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not assigned 47

not assigned 48

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not assigned 50

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Police Reports - Summary

1 Lieutenant Alkire (L-13)

- 01 Mehserle's Drug Test
- 02 Preparation to retrieve Mehserle's uniform
- 03 Inventory of Mehserle's locker contents
- 04 Transfer of evidence to the DA's office
- 05 Mehserle's work schedule for the week
- 06 Walk through of the Fruitvale Station with Officer Pirone

2 Sergeant Alvarez (S30)

- 01 First Supervisor on scene; Advised Lt. Franklin of OIS; Advised DDA

3 Officer Bush (#334)

- 01 Identified and detained subjects at PD
- 02 Photographs of Grant at Hospital

4 Lieutenant Caaganan (L-18)

- 01 Response to Fruitvale Station

5 Detective Carter (#416)

- 01 Carlos Reyes Interview; Nigel Bryson Interview; Fernando Anicete Interview; Michael Greer Interview; Tommy Cross Interview; Christopher Pagan Interview; Agnes Zafiratos Interview; Dennis Zafiratos Interview; Marcus Torres Interview;
- 02 Officer Domenici follow-up interview
- 03 Agnes Zafiratos photo line-up
- 04 Investigation Summary, Torres Follow-up Interview, A. Zafiratos Interview, Liang Interview

6 Officer Cruz (#423)

- 01 Rode in ambulance with Grant

7 Officer Enerio (563)

- 01 Standby at Highland Hospital with Grant

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Police Reports - Summary

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- 01 Lead Investigator; Mehserle Invocation; Pirone Interview; Domenici Interview; Video review; 01-01-09
- 02 Investigative Log, Overview and Summary
- 03 Overview of case, Mehserle's arrest, Brice Interview, Grant property release, Caldwell Interview, Burris contact, Dunlap Interview, Waller Interview, Steele Interview
- 04 Coroner's Report
- 05 Ng Interview, Chen Interview, Liang, Y. Interview, Guan Interview, Howard, A. and S. Interviews, Young Interview, Coroner's Lab Results, Sylvester Interview, BART Dispatch Radio update, CHP 911 Call, BART Central Radio update

9 Officer Flores (#552)

- 01 Written Statement - Initial Response; Crowd Control; Crime Scene Log

10 Lieutenant Forte (L-12)

- 01 Received video tape from witness Cross

11 Lieutenant Franklin (L-11)

- 01 Initial Response; Public Safety Statement; Mehserle transport to PD

12 Sergeant Fueng (S47)

- 01 Initial Response, Walk through w/ Pirone, Sekhon Interview, Foreman Interview, Kemmit Interview, Oliva Statement, Devera Statement
- 02 Pirone criminal investigation, Domenici re-interview, Pirone re-interview, ACDA CD files, ACDA video from Dewar and Carazo

13 Commander Gibson (C7)

- 01 Drove Pirone and Domenici to PD

14 Officer Guanzon (#517)

- 01 Highland Hospital Standby

15 Officer Guerra (#508)

- 01 Written Statement - Initial Response; Crowd Control; Administer 1st Aid

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16 Officer Hawkins, E (#501)

- 01 Transported Reyes and Anicete to PD

17 Officer Knudtson (#533)

- 01 Written Statement - Initial Response; Crowd Control; Reyes & Anicete

18 Lieutenant Ledford (L-16)

- 01 Initial Response for Lt; Weapon Inspections (w/ Lt. Franklin)

19 Sergeant Ledford (S-37)

- 01 Standby with Mehserle at PD prior to testing

20 Lieutenant Lucarelli (L-21)

- 01 Walk through with Pirone at Fruitvale Station

21 Sergeant Macaulay (S40)

- 01 Wrote initial report of fight call and shooting incident

22 Detective Maes (#420)

- 01 Initial Response; Taser Data
- 02 Attend Autopsy; GSR kit collection
- 03 Christopher Pagan Interview
- 04 Alika Rogers Interview
- 05 Walk through w/ Pirone - statement
- 06 Knudtson follow-up interview
- 07 Mehserle taser training, Mehserle's Duty Weapon photographs
- 08 Zachary Crooks Interview
- 09 Tonnette Collier Interview
- 10 Summary of Supplemental Reports

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- 02 ID Technician

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Police Reports - Summary

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- 02 Ottoboni Interview; Guerra Interview;
- 03 Paramedic Interviews: Abunza Interview; Mahoney Interview
- 04 Summary of scan documents / reports
- 05 Oakland Fire Department Interviews: Avera Interview, Hellige Interview, Freelen Interview, Wojtkiewicz Interview
- 06 Summary of reports

25 Officer Moore, B (#484)

- 01 ID Technician at scene
- 02 ID Technician wore latex gloves

26 Officer Moore, N (#562)

- 01 Transported Greer to PD

27 Officer Narcisse (#564)

- 01 Highland Hospital Standby; Received bullet from nurse; Advised by doctor of impending death of Grant; Toxicology report and death certificate

28 Officer Olsen (#436)

- 01 ID Technician – Legend of Fruitvale Platform
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29 Officer Perea (#392)

- 01 Took N. Bryson from Zweloot at PD; stood by w/ N. Bryson

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30 Officer Poindexter (#451)

- 01 Michael Springer Interview; Transported Bradstreet to PD
- 02 Correction of prior report name from Bradstreet to N. Bryson

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Police Reports - Summary

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32 CSO Potter (#J296)

01 Obtained BART video of Fruitvale platform
02 Obtained BART video of Lake Merritt Platform and incident train

33 Detective Power (#489)

01 Lynda Kiersted Interviews (tele and in-person)
02 Jessica Oliver Interview
03 Schirmer Interview
04 Evidence from coroner's office
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34 Officer Reese, D (#472)

01 Stood by at hospital with Grant, FTO of Narcisse

35 Sergeant Sandoval (S41)

01 Attempted to download video taken by Cross

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36 Detective Shabazz (#455)

01 Copying of CD evidence for investigation

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37 Officer Shipley (#309)

01 ID Technician for GSR kits from on scene officers; Mehserle Gun & Ammo;

38 Officer Slivinski (#429)

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- 01 ID Technician; Photographed Grant at Highland Hospital
- 02 ID Technician – pre-autopsy evidence

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- 02 Mehserle drug test and results
- 03 Receipt of results for firearm inspection of Mehserle's Duty Weapon
- 04 Receiving of ACDA CD data files

44 Officer Woffinden (#547)

- 01 Written Statement - Initial Response - working w/ Mehserle; Crowd Control; Bryson

45 Officer Zweloot (#510)

- 01 Standby with Reyes at PD

46 Officer Lehman (#525)

- 01 Function check of Officer Mehserle's taser weapon

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48 not assigned

49 not assigned

50 not assigned

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POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/7/08

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On 1/1/09 I was called at home at approximately 0250hrs by Commander White C-8 and told me to come into work. She told me there had been an officer involved shooting earlier that evening.

I arrived at the BART Police Department headquarters located at the Lake Merritt BART Station at approximately 0330hrs. Upon arriving I contacted Commander White. She told me that Officer Mehserle #544 had been involved in an on-duty shooting. She said other officers had been on the scene and were separated in various administrative offices throughout the department. I went over to the Criminal Investigations office to check in with Criminal Investigations Sergeant Alan Fueng. He said most of his detectives were currently on duty as it was New Years Eve.

He advised me that there was a report that a possible witness had come forward with a video of the shooting and that they were standing by to see if that was true. While waiting he and his Detectives were formulating questions to ask those involved. He advised me that the Alameda County District Attorneys had been notified and that a Legal Defense Attorney was enroute from Sacramento for Officer Mehserle.

I met with District Attorney Investigator Frank Moschetti and Assistant District Attorney Melissa Krum. They were told that it would be some time before the Legal Defense Attorney would arrive.

At approximately 0610hrs Commander White and I met with Sgt Jason Ledford S37. He stated that Mehserle's attorney David Mastagni Jr. was having a problem with language described on the sheet requiring Mehserle to submit to an alcohol and urine test. Mastagni stated that this was not an accident but an intentional shooting. Commander White, Mastagni and I met in a small office where Commander White explained that it was mandatory that Mehserle do this based on the conditions of his employment with the District. Mastagni objected and requested that Commander White order Mehserle to provide the breath and urine sample. She ordered Mehserle to submit to the drug and alcohol test which he did.

REPORTING OFFICER(S)

H. ALKIRE L. 13

RECORDING OFFICER

ALKIRE

DATE / TIME PREPARED

1/7/09

APPROVED BY

[Signature]

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POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1/7/08
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1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S) OIS	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS		
<p>Upon returning to the Criminal Investigations office, a SIMS card with the incident videoed was available to watch. I watched the video with Lieutenant Franklin and some of the criminal investigators but do not recall which ones. After viewing the video I contacted DA Investigator Moschetti and request that he and ADA Krum return to view the video. They had left while waiting for legal defense to arrive. They returned and viewed the video. Moschetti and Krum were asked if Mehserle and his attorney should see it prior to giving a statement and they said it was not a problem. There was nothing to hide. Mehserle and his attorneys were allowed to view it.</p> <p>Soon after Detectives Enriquez, McNack, DA's Investigator Moschetti and ADA Krum met with Mehserle and his attorneys.</p> <p>I was told soon after that Mehserle invoked his constitutional rights and refused to give a statement.</p> <p>Commander White and I placed Mehserle on Administrative Leave. He signed an Administrative Leave memo. I escorted him to the locker room where I took a replacement firearm from his possession.</p> <p>Other than telling him good luck after taking his firearm I had no conversations with Mehserle. He left the building in the company of Officers Foreman #542 and Sekhon #465.</p>		
<div style="color: red; font-weight: bold; text-align: center;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>		
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☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/07/09

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

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3. VICTIM'S NAME - LAST, FIRST, M.I.

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On 1/6/09 I, along with the Criminal Investigators involved in the case and Commander White, met with District Attorney Investigator Frank Moschetti and ADA John Creighton at BART Police Headquarters. During a meeting, Moschetti asked if we had taken possession of Mehserle's uniform. Per the Police Officers Bill of Rights I notified Mehserle. I left him a voice message on his cell phone at approximately 1300hrs advising him that I was going into his locker to take collect his uniform, gun belt and any other clothing he might have been wearing when the shooting occurred. I also notified his attorney Mastagni Jr. by phone. Mastagni Jr. asked when I was going to do it and stated they did not consent to it. I told him it would be soon.

I was unable to bring in an Identification Technician to do the work so I secured the locker using a Master lock. Only Sergeant Fueng and I had the key.

On 1/7/09 I opened the locker with Officer Mike Pon #307. Pon is a department ID tech. He photographed the locker and its contents. He then collected the clothing articles. Refer to his supplement

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H. Alkire

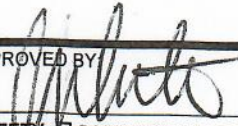
RECORDING OFFICER

Alkire

DATE / TIME PREPARED

1/7/09

APPROVED BY

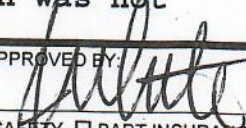


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1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S) OIS		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Inventory of Items:</p> <p>Leather firearm holster 070-1774</p> <p>Leather magazine holder 510-2</p> <p>Leather with velcro inside basket weave pants belt</p> <p>Basket weave mace</p> <p>Flashlight holder</p> <p>Baton ring</p> <p>Four keepers</p> <p>Handcuff case</p> <p>Packaged pair of rain pants</p> <p>Unpackaged rain jacket</p> <p>Two straight batons</p> <p>Febreze refresher in a plastic bottle</p> <p>Miscellaneous forms such as unused citations, FI cards, overtime slips and notebooks</p> <p>Knee brace</p> <p>Empty shave kit</p> <p>Mens Health magazine</p> <p>Rubber gloves</p> <p>Some change and a dollar bill</p> <p>2007 Vehicle Code</p> <p>Gould's California Penal Code Handbook</p> <p>Posse Box.</p>				
CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL				
<p>On 1/10/09 at approximately 1040hrs. with Detective Tom Smith assisting me I emptied the contents of Locker #116 in the mens locker room at the LMA BART Police headquarters. This locker was assigned to Officer Mehserle. Inside I found various departmental and personal items as are listed above. None of the leather basket weave items were attached to a belt. Inside the Posse Box were an issued Notice to Appear #BP-2463834, a CHP 180 form for case number 0812-0870 and a CHP 180 form for case number 0812-3542. These reports were approved by me and turned in for records processing. I put photo copies of these forms back in the Posse Box. There were also various department forms and reference material in the Posse Box. I placed many of the loose papers in a kapak which was not</p>				
REPORTING OFFICER(S) H. Alkire L13		RECORDING OFFICER Alkire L13	DATE / TIME PREPARED 1/10/09	APPROVED BY: 
DISPOSITION: <input type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

011009 1400hrs

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

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sealed. All the contents of the locker, except for the batons, were put in boxes and marked with case number on the outside. I wrapped the batons in brown butcher paper and marked the case number on the outside. The two boxes and batons were secured with evidence tape.

The boxes and batons were secured in the locked evidence clerks office.

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REPORTING OFFICER(S)

H. Alkire L13

RECORDING OFFICER

Alkire L13

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1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S) OIS			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>On 1/9/09 Detective Joel Enriquez requested I have some evidence available for Investigator Moschetti from the District Attorney's office. I went into the evidence clerk's office where the evidence was securely located. I located MPON-008, MPON-012, MMAES-001, CSHIP-009, CSHIP-010, CSHIP-11, CSHIP-012 and CSHIP013. These were the items initially requested. After signing them out, Inspector Moschetti requested different items. I located the requested items for him and released them to him with Detective Enriquez present. The items released were WMALONE - 009, WMALONE - 010, WMALONE - 011, WMALONE - 012, WMALONE - 014, WMALONE - 022, WMALONE - 023, WMALONE - 024, WMALONE - 026, WMALONE - 028. All listed items were turned over and signed for by Inspector Moschetti at 1635hrs.</p> <p>The initial items requested were logged back into evidence.</p>					
<p style="color: red; margin: 0;">CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p style="color: red; font-size: 1.2em; margin: 10px 0;">FEB 23 2019</p> <p style="color: red; margin: 0;">RELEASED TO: <u>SBM21</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p>					
REPORTING OFFICER(S) <i>H. Alvarez 6113</i>		RECORDING OFFICER <i>Alvarez 613</i>		DATE / TIME PREPARED <i>1/9/09</i>	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> FAXED TO: _____			

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1>POLICE REPORT</h1> <p>BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		DATE / TIME OF SUPPLEMENT
		OIS		011109 1800
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>On 1/10/09 I went into the BART Oracle payroll system to print up Mehserle's punch hours for the week of 12/29/08, his baseline work schedule for the same week and an absence summary for the last two years. Mehserle's employee number was 060151.</p> <p>Mehserle was assigned to a graveyard schedule for the week of 12/29/08. Mehserle work week was listed as follows:</p> <p>Monday 1/29/08 2100-0700hrs. He punched in at 20:50hrs Sunday evening and punched out at 0700hrs Monday 12/29/08 morning.</p> <p>Tuesday 1/30/08 he was scheduled 2100-0700hrs. He punched in at 20:46 Monday evening and punched out at 07:03hrs on Tuesday 12/30/08 morning.</p> <p>Wednesday 1/31/08 he was scheduled 2100-0700hrs. He punched in at 20:56hrs Tuesday evening and punched out at 0700hrs on Wednesday 12/31/08 morning.</p> <p>He was assigned to work a graveyard overtime shift on 1/1/09. This was for New Years Eve staffing. The shift hours Mehserle was assigned to work were 2000hrs on Wednesday evening 12/31/08 to 0600hrs on 01/01/09 Thursday morning.</p> <p>He punched in at 19:39hrs Wednesday evening and I punched him out at 1000hrs on Thursday morning.</p> <p>Mehserle had a 13 hour break between the end of his shift on Wednesday morning and the beginning of his shift on Wednesday night. He punched in twenty one minutes early for his last shift on Wednesday evening.</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY
H. Alkire L13		Alkire	1/11/09	
DISPOSITION:		COPIES TO:		
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<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:		

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☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

011109 1800

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

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His Oracle absence summary showed he had taken a Compensatory Day off on 12/28/08.

The printed forms were given to Detective Enriquez.

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H. Alkire L13

RECORDING OFFICER

Alkire

DATE / TIME PREPARED

1/11/09

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Report Punch Time

Johannes Mehserle

Job Title: Police Officer

EmplID 060151

 [Click for Instructions](#)View By: Date:   Refresh

<< Previous Week














Next Week >>

Reported Hours: 66.83 Hours Scheduled Hours: 0.00 Hours

Reported time on or after 12/29/2008 is for a future period.

From 12/29/2008 to 01/04/2009

Timesheet

Day	Date	Status	In	Transfer	Out	Punch Total	Time Reporting Code	Quantity	Task Profile ID
 Sun	12/28	Submitted	20:50			10.15			
		Submitted					Comp Time Taken NE - CMPTN	10.00	
 Mon	12/29	Submitted			07:00				
		Submitted	20:46			10.27			
 Tue	12/30	Submitted			07:03				
		Submitted	20:56			10.07			
 Wed	12/31	Submitted			07:00				
		Submitted	19:39			14.33			10041378
 Thu	1/1	Submitted			10:00				
		Submitted					Holiday Forced-Paid Xtra-DAY	1.00	
		Submitted					Holiday (Day)	1.00	
 Fri	1/2	New							
 Sat	1/3	New							


Work Schedule

Johannes Mehserle

EmplID: 060151

Job Title: Police Officer

Enter a date and click on the Refresh Date button to see schedule.

12/29/2008 



(example: 12/31/2000)

Refresh Date

Time Reporter's Schedule

From Monday 12/29/2008 to Sunday 01/04/2009

Description	Date	Day	Type	Punch Time
2100-0700=10 Hrs	12/29/2008	Monday	In	21:00:00 More...
2100-0700=10 Hrs	12/30/2008	Tuesday	Out	07:00:00 More...
2100-0700=10 Hrs	12/30/2008	Tuesday	In	21:00:00 More...
2100-0700=10 Hrs	12/31/2008	Wednesday	Out	07:00:00 More...
2000-0600=10 Hrs	12/31/2008	Wednesday	In	20:00:00 More...
2000-0600=10 Hrs	01/01/2009	Thursday	Out	06:00:00 More...
Extend	01/01/2009	Thursday	Extend	10:00:00 More...
Off	01/01/2009	Thursday		
Off	01/02/2009	Friday		
2100-0700=10 Hrs	01/03/2009	Saturday	In	21:00:00 More...
2100-0700=10 Hrs	01/04/2009	Sunday	Out	07:00:00 More...
2100-0700=10 Hrs	01/04/2009	Sunday	In	21:00:00 More...
2100-0700=10 Hrs	01/05/2009	Monday	Out	07:00:00 More...

[View Holiday Schedule](#)Go To: [Manager Home](#)[Time Management Home](#) [Return to Search](#) [Notify](#)CONFIDENTIAL
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Absence Summary by Employee

Mehserle, Johannes S.

Employee

EmplID: 060151

Absence Summary


Customize Find View 13 							First  1-39 of 39  Last
Description	Reg Region	Start Date	Start Time	Return Date	Return Time	Duration (Days)	Duration (Hours) Absence Details
1 Comp Time Taken NE	USA	12/28/2008		12/28/2008			10.00 Absence Details
2 AB109 Leave NE	USA	12/24/2008		12/24/2008			10.00 Absence Details
3 Vacation NE	USA	12/22/2008		12/22/2008			1.00 Absence Details
4  Leave NE	USA	12/10/2008		12/10/2008			10.00 Absence Details
5 Comp Time Taken NE	USA	12/07/2008		12/07/2008			1.97 Absence Details
6 Comp Time Taken NE	USA	11/10/2008		11/10/2008			1.00 Absence Details
7 Make Whole NE	USA	10/22/2008		10/22/2008			10.00 Absence Details
8 Comp Time Taken NE	USA	10/19/2008		10/19/2008			10.00 Absence Details
9 Comp Time Taken NE	USA	10/15/2008		10/15/2008			10.00 Absence Details
10 Comp Time Taken NE	USA	10/12/2008		10/12/2008			2.47 Absence Details
11 Make Whole NE	USA	10/07/2008		10/07/2008			10.00 Absence Details
12 Comp Time Taken NE	USA	10/05/2008		10/05/2008			1.00 Absence Details
13 Comp Time Taken NE	USA	09/28/2008		09/28/2008			2.70 Absence Details
14 Make Whole NE	USA	09/08/2008		09/08/2008			1.00 Absence Details
15 AB109 Leave NE	USA	09/03/2008		09/03/2008			1.50 Absence Details
16 Comp Time Taken NE	USA	08/31/2008		08/31/2008			10.00 Absence Details
17 Vacation NE	USA	07/16/2008		07/16/2008			1.50 Absence Details
18 Make Whole NE	USA	06/30/2008		06/30/2008			10.00 Absence Details
19 Floating Holiday Taken NE	USA	06/20/2008		06/20/2008			10.00 Absence Details
20 Make Whole NE	USA	06/15/2008		06/15/2008			10.00 Absence Details
21 Comp Time Taken NE	USA	06/07/2008		06/07/2008			2.25 Absence Details
22 Floating Holiday Taken NE	USA	05/25/2008		05/25/2008			10.00 Absence Details
23 Floating Holiday Taken NE	USA	04/20/2008		04/20/2008			10.00 Absence Details
24 Comp Time Taken NE	USA	04/19/2008		04/19/2008			10.00 Absence Details
25 Comp Time Taken NE	USA	04/18/2008		04/18/2008			10.00 Absence Details
26  Leave NE	USA	03/23/2008		03/23/2008			5.00 Absence Details
27 Late (Non-Exempt)	USA	03/17/2008		03/17/2008			10.00 Absence Details
28 Floating Holiday Taken NE	USA	03/09/2008		03/09/2008			1.50 Absence Details
29 Make Whole NE	USA	01/13/2008		01/13/2008			10.00 Absence Details
							2.00 Absence Details


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30	Comp Time Taken NE	USA	01/07/2008	01/07/2008	10.00 Absence Details
31	Leave NE	USA	12/22/2007	12/22/2007	10.00 Absence Details
32	Leave NE	USA	12/21/2007	12/21/2007	3.00 Absence Details
33	Floating Holiday Taken NE	USA	12/15/2007	12/15/2007	10.00 Absence Details
34	Floating Holiday Taken NE	USA	11/09/2007	11/09/2007	10.00 Absence Details
35	Comp Time Taken NE	USA	10/08/2007	10/08/2007	0.25 Absence Details
36	Comp Time Taken NE	USA	09/23/2007	09/23/2007	10.00 Absence Details
37	Comp Time Taken NE	USA	07/26/2007	07/26/2007	1.00 Absence Details
38	Holiday NE	USA	07/04/2007	07/04/2007	10.00 Absence Details
39	Make Whole NE	USA	05/15/2007	05/15/2007	5.12 Absence Details

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☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

011009 1400hrs

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On 1/4/09 at approximately 0630hrs I went to the Fruitvale BART Station where I observed a walk through of the officer involved shooting from January 1, 2009 scene. Officer Pirone was going to walk us through. I was with Sergeant Fueng, Detectives Enriquez, Maes, Smith, And McNack. Also with us was Lieutenant Frank Lucarelli and LDF Attorney Dan McNamara. Pirone and attorney McNamara refused to have the walk through if we were going to video or audio tape it. I agreed to that. Pirone led us to the south end of the platform. He went through the entire incident explaining what he recalled doing, seeing and hearing at the time of the incident. He answered questions from the investigators and, using Detective Smith, showed us how Oscar Grant was positioned. Attorney McNamara was present for the entire walk through. Refer to Detective Maes's supplement for further.

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REPORTING OFFICER(S)

H. Alkire L13

RECORDING OFFICER

Alkire L13

DATE / TIME PREPARED

1/7/09

APPROVED BY:

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CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/04/09 0500

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)		
3. VICTIM'S NAME - LAST, FIRST, M.I. Grant, Oscar	4. ADDRESS		5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS			

SUPPLEMENT:

On 1 January 09 at approximately 0210 hours I responded to the Fruitvale BART Station for a report of officers requesting assistance with a large crowd of people on the Fremont platform. I responded to the Fruitvale Station from the West Oakland BART Station.

As I was en route to the station the officers on scene advised via radio that they had a victim of a shooting and were requesting that a Lieutenant respond to the scene. I arrived on scene approximately 0215 hours. I walked up to the South end of the Fremont platform and noticed that several people were lying on their stomach and restrained in handcuffs. I proceeded to make contact with Off. Pirone #514 who was standing with Off. Knudtson #533. I asked Pirone why the subjects were in handcuffs, and he stated, "they were all involved." My attention was then drawn to Off. Guerra #508 who was on the ground administering first aid to a subject, later identified as Oscar Grant. I walked over to Guerra and asked him if this was the shooting victim, Guerra nodded his head yes. Guerra lifted the compression pad and I noticed a small hole, which was located in the middle of Grant's back. Guerra placed the pad back on his back and continued to administer first aid. My attention was drawn over to Off. Woffinden #547 who was kneeling next to one of the subjects. Woffinden called me over to him by moving his head from one side to the other. I walked over to Woffinden who told me that Mehserle had been involved in a shooting. I then walked over to where Off. Mehserle #544 was located. I noticed that he was next to Grant removing the handcuffs off of his wrist.

I called over to Mehserle and said, "Mehserle come over here."

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REPORTING OFFICER(S) E. Alvarez S30	RECORDING OFFICER S30	DATE / TIME PREPARED 01/04/09 0500	APPROVED BY: S47 1-5-09
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☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/04/09 0500

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

3. VICTIM'S NAME - LAST, FIRST, M.I.

Grant, Oscar

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

SUPPLEMENT (CON'T) ;

I escorted Mehserle by his arm and walked him over to Lt. Franklin L-11 who had arrived on the platform. I walked over to Off. Domenici #496 and asked her if she had been involved. She replied, "yeah." I told Sgt. Macaulay S40 to start separating the involved officers, and all of the subjects that were being detained so that they can be interviewed. I assisted by escorting one of the subjects from the platform, later identified as M [REDACTED] G [REDACTED] over to Off. N. Moore #562, who subsequently walked him down to the concourse level. I stood by on the platform and called dispatch using my personal cell phone. I requested that they notify the Alameda County District Attorneys Office and advise them of the officer involved shooting. I also requested that they notify BART Police Chief Gary Gee, along with Sergeant Fueng S47, and all available detectives.

I was contacted on my cell phone by Inspector Frank Moschetti of the Alameda County District Attorney's Office, who told me that he would be making contact with the on call Deputy District Attorney and advise her of the situation. I was contacted on my cell phone by DDA Melissa Krum. DDA Krum asked me where the scene was located, and also asked me if I had notified the Legal Defense Fund(LDF) Attorney for the involved officer. I hung up with Krum and contacted Off. Sekhon #465 who is the BART Police Officers Association President and told him of the situation, but he had already been made aware.

I stood by with Detective Enriquez #456, until DDA Krum and Inspector Moschetti arrived at the Fruitvale BART Station.

Once DDA Krum and Moschetti arrived I escorted them up to the platform

REPORTING OFFICER(S) E. Alvarez S30	RECORDING OFFICER S30	DATE / TIME PREPARED 01/04/09 0500	APPROVED BY: S47 1-5-09
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/04/09 0500

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

3. VICTIM'S NAME - LAST, FIRST, M.I.

Grant, Oscar

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

SUPPLEMENT (CON'T) ;

where I showed them the shooting scene. They walked around for a few minutes and looked at the area where the shooting had occurred. We walked back down to the front of the station, where Enriquez was briefed by both DDA Krum and Inspector Moschetti. Enriquez and I had DDA Krum, and Inspector Moschetti follow us to the Lake Merritt BART Station.

I walked DDA Krum and Inspector Moschetti over to Lt. Franklin where he walked them into his office, pending the arrival of the LDF Attorney.

Nothing further.

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REPORTING OFFICER(S)

E. Alvarez S30

RECORDING OFFICER

S30

DATE / TIME PREPARED

01/04/09 0500

APPROVED BY:

63 S47 1-509

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☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/11/2009

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On 01/01/2009 at approximately 0500hrs. myself and Ofc. J. Young where directed to go to Highland Hospital and take photographs of the injuries incurred by subject Grant.

At the Hospital we were advised that Grant was in the Intestive Care Unit. We responded to the Unit and spoke with his Doctor (A [REDACTED]). I advised A [REDACTED] what we needed to do and he allowed us into Grants room to photograph the bullet wound located on Grant's upper chest area. The additional wound we were advised of, that was on Grant's back we where not able to photograph due to machinery attached to Grant at the time. After taking the photographs we returned to Lake Merritt Station.

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REPORTING OFFICER(S)

H. Bush

RECORDING OFFICER

324

DATE / TIME PREPARED

01/11/09

APPROVED BY:

J. Young C.13

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/08/09 2236hrs

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01012009 at approximately 0330hrs. I responded to Lake Merritt Station to assist with any paperwork or statement taking.

At the station I gathered identification from 4 males subject being detained in separate locations within the police facility. The identifications I gathered belong to : G [REDACTED], M [REDACTED], B [REDACTED], J [REDACTED], R [REDACTED], C [REDACTED] and A [REDACTED], F [REDACTED]. I ran complete Juvis/C.I.I./CORPUS/Department Priors on all subjects.

I completed each individual check and attached their identification to the front of each individual packet. I turned over the completed packets to Detective Smith upon completion

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REPORTING OFFICER(S)

L. Smith

RECORDING OFFICER

J. Smith

DATE / TIME PREPARED

010909/2236

APPROVED BY:

AF 547 1-11-09

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		DATE / TIME OF SUPPLEMENT		
1. CODE SECTION(S) 243.3 / 148(a) (1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery on train/ Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, A. #514		4. ADDRESS 800 Madison St, Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>On 1/1/09 at approximately 0202 hrs. I responded to the Fruitvale Station with Sgt. A. Togonon #S49 in response to a disturbance, possibly a fight, on board a train holding at the station. Sgt. Togonon and I responded from the MacArthur Station where we investigated an incident in which an officer used his Taser to subdue a physically resisting subject.</p> <p>Additional assistance was requested by officers at the Fruitvale scene due to the number of individuals involved in the disturbance. While enroute to the station, information was broadcasted over the radio pertaining to a gunshot victim at the scene.</p> <p>Upon arrival I encountered Lt. K. Franklin #L11 and Officer Johannes Mehserle #544 on the concourse level near the agent's booth. As I made contact with the two, Officer Mehserle asked if he could wash the blood off of his hands. I looked down at his hands and I could see blood on them. I was unaware at that point that there had been an officer-involved shooting and that Officer Mehserle was the officer involved. I assumed that Mehserle had administered aid to the shooting victim. I advised him to wash his hands accordingly.</p> <p>As Mehserle was walking away Lt. Franklin advised that the shooting was officer-involved and when I asked who the officer was that was involved he informed me that it was Mehserle. I asked Lt. Franklin where the victim of the shooting was and he advised on the platform (Fremont platform/platform #1).</p> <p>I proceeded to the platform and saw fire/medical personnel administering aid to the victim, later identified as Oscar Grant. I observed multiple subjects handcuffed and seated up against the wall. One subject in particular was highly agitated and extremely vocal, yelling obscenities at</p>				
REPORTING OFFICER(S) G. Cagaanan L18		RECORDING OFFICER L18		DATE / TIME PREPARED 1/10/09, 1800
APPROVED BY: <div style="font-size: 1.2em; font-family: cursive;">AF S47 1-10-09</div>				
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: AlCo DA <input type="checkbox"/> FAXED TO:		

POLICE REPORT

CASE #

6901-0027

DATE / TIME OF SUPPLEMENT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

243.3 / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on train/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St, Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

police personnel on the scene. Three or four Oakland Police officers were on the platform keeping watch on those who were being detained. I recall asking police personnel on the platform to relocate the subjects detained in handcuffs to the concourse level of the station so that medical personnel could tend to the victim and the incident scene could be secured.

I recall seeing Sergeants Togonon S49, E. Alvarez #S30, M. Macaulay #S40, Officers M. Domenici #496, J. Guerra #508, and A. Pirone #514 among the BART Police personnel on the platform. Once Grant was taken off of the platform by medical personnel, I ascertained that the scene was closed off for evidentiary purposes and that notifications were made to the Detective Bureau, evidence technicians and the appropriate command staff including Chief Gee, Commanders Gibson and White all of whom were on duty that night. I requested that additional police personnel be deployed to the station to help maintain the integrity of the scene and to assist with the interview of witnesses as well as the transportation of witnesses and detainees back to police headquarters at 800 Madison St.

I was the last command-level officer to leave the Fruitvale station after I felt the scene was secure and the crime scene technicians were able to perform their tasks without interruption. Sergeants Togonon and Macaulay remained behind after my departure.

I did not transport any witnesses or detainees back to headquarters nor was I involved in any of the questioning pertaining to same.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

G. Cagaanan L18

RECORDING OFFICER

L18

DATE / TIME PREPARED

1/10/09, 1800

APPROVED BY:

AFS471-10-09

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1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
243.35P.C./148(a)(1)P.C		Battery on a train/Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Officer Pirone		800 Madison Street, Oakland, CA 94607		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
Detective Tanzanika Carter #416 Detective Division Supplemental Report: (1) C [REDACTED] A [REDACTED] R [REDACTED], J [REDACTED] (Detainee) <div style="background-color: black; width: 400px; height: 80px; margin-top: 5px;"></div> No Bail SWAP Warrant #SD17384 <div style="background-color: black; width: 150px; height: 40px; display: inline-block; vertical-align: middle;"></div> (cell) (home) (message)					
(2) N [REDACTED] R [REDACTED] B [REDACTED] (Detainee) <div style="background-color: black; width: 400px; height: 80px; margin-top: 5px;"></div> No CII, No arrest history					
(3) F [REDACTED] B [REDACTED] A [REDACTED], [REDACTED] (Detainee) <div style="background-color: black; width: 400px; height: 100px; margin-top: 5px;"></div>					
(4) J [REDACTED] R [REDACTED] B [REDACTED], [REDACTED] (Detainee) <div style="background-color: black; width: 400px; height: 80px; margin-top: 5px;"></div>					
<div style="color: red; font-weight: bold; text-align: center;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB 421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Carter #416		#416		01/01/09 - 1400	
DISPOSITION:		COPIES TO:			
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POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09-1400hrs

1. CODE SECTION(S)

243.35P.C./148(a)(1)P.C

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

PFN: BEZ625 (pending 243(c)(1)P.C. case)

(5) M [REDACTED] R [REDACTED] G [REDACTED] (Detainee)

(6) Oscar Julius Grant, III (Deceased)

(7) T [REDACTED] C [REDACTED] (Witness)

Declined to give address ([REDACTED] CA)

(8) C [REDACTED] E [REDACTED] (Witness)

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DUPLICATION OR REISSUANCE
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FEB 23 2019

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CONFIDENTIAL

REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09- 1410

APPROVED BY:

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POLICE REPORT

CASE #

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01/01/09-1400hrs

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

243.35P.C./148(a)(1)P.C

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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(9) A Z (R/P)

(10) D Z (R/P)

(11) M T (Witness)

(12) B W (Witness/Videotaped incident)

(13) A R (Witness/R girlfriend)

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On 1/1/09 at about 0300 hours, I was contacted by Sgt. Fueng in regards to this case. Sgt. Fueng advised me that there had been an officer involved shooting at the Fruitvale BART Station and requested my assistance.

On 1/01/09 at about 0400 hours, I arrived to the Lake Merritt BART Station to assist with the investigation. Sgt. Fueng advised that there were five

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T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09 1400

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☐ OTHER:☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09-1400hrs

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

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243.35P.C./148(a)(1)P.C

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Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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subjects detained throughout the Lake Merritt BART Police Facility. The subjects being detained were C [REDACTED] R [REDACTED] N [REDACTED] R [REDACTED] B [REDACTED], M [REDACTED] R [REDACTED] G [REDACTED], J [REDACTED] R [REDACTED] E [REDACTED], and F [REDACTED] B [REDACTED] A [REDACTED]

Officers involved with the incident were also at the Lake Merritt Police BART Station. Officers involved were J. Woffiden #547, T. Pirone #514, N. Flores #552, J. Guerra #508, M. Domenici #496 and E. Knudtson #533.

C [REDACTED] A [REDACTED] R [REDACTED] (Date:)

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No Bail SWAP Warrant #SD17384

On 01/01/09 at about 0610 hours, Detective Smith #374 and I conducted a voluntary interview with subject C [REDACTED] R [REDACTED]. The interview took place at the Lake Merritt BART Police Facility in the Large Conference Room.

I un-handcuffed C [REDACTED] R [REDACTED] and advised him that he was not under arrest and just detained. I read R [REDACTED] the Beheler Admonishment. R [REDACTED] told me he understood that he was not under arrest, free to leave at anytime and could choose what questions to answer.

Due to Reyes being handcuffed for a long period of time, I emphasized to him was that he was not under arrest and there were no charges being brought against him. I then read R [REDACTED] his Miranda Rights so that he was perfectly clear he was never under arrest.

REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09 / 1400

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POLICE REPORT

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01/01/09-1400hrs

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☒ FOLLOW-UP / SUPPLEMENT
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BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

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2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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R████ told me he understood his rights and wished to talk with us. In essence, R████ told me the following: There was a physical fight on the train pulling into the Fruitvale BART Station. Approximately 15 people were fighting. R████ told me, "There was a whole lot of commotion; a couple of fist were being thrown by numerous people". R████ told me he was trying to break up the fight. The fight started on the train and escalated until it arrived at the Fruitvale BART Station. Once it arrived at the BART Station the physical fighting stopped but the arguing still ensued. There was an argument going on when the police arrived on the scene.

R████ was already off boarded, along with his girlfriend A████ R████. The police then "hemmed" R████ against the wall (on the platform) along with some other people. Some other subjects jumped back on the train. R████ told me he noticed that the lady officer, later identified as Officer M. Domenici and the main officer who was "hemming up" people, later identified as Officer Pirone had their tasers deployed. C████ described the officer (Pirone) as a tall, white male with dark hair and a medium build.

R████ told me Officer Pirone deployed his taser and told him, "If you move, I am going to taser you". R████ stayed on the wall while Pirone went back into the BART train and pulled out a subject. (R████ described the subject as having dreadlocks named "M████" or "M████"). The subject was later identified as M████ G████.

The officer (Pirone) yelled into the BART train, "Someone else has something to do with this. Don't make me go in there and have to come and get you". The subject, later identified as M████ G████ refused to exit the train. Reyes told me the police (Pirone) then pulled G████ off the BART train by "choking him or whatever".

The crowd on the BART train watching the incident got angry at the police officer (Pirone) who forced G████ off the train. The people on the BART train started arguing at the officers. The train was there for "hella

REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09 / 1400

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1. CODE SECTION(S) 243.35P.C. / 148(a)(1)P.C		2. CRIME(S) / CLASSIFICATION(S) Battery on a train/Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street, Oakland, CA 94607		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>long". The crowd was yelling to the officers, "Hey, why ya'll doing that?"</p> <p>The officer then went back inside the train for a second subject. It appears the second subject may be Oscar Grant. R [REDACTED] told me the subject was forcibly pulled off the train.</p> <p>R [REDACTED] told me he heard one shot fired. Reyes told me he did not see the officer fire his weapon but after the shot was fired, he heard the officer say, "Oh Shit, Oh Shit", while standing over the subject (Grant). C [REDACTED] noticed the officer had a gun in his hand. R [REDACTED] described the officer as tall, skinny, young looking and shaven face.</p> <p>R [REDACTED] told Pirone, "Ya'll just shot dude, call the ambulance." Pirone advised him that the ambulance had been called. (Initially, R [REDACTED] told me that someone accidentally got shot).</p> <p>R [REDACTED] then got up from against the wall, said, "Whatever", and then tried to walk away.</p> <p>Pirone advised R [REDACTED] to have a seat on the bench. R [REDACTED] sat on the bench. At that time, a different officer handcuffed him and took him to a patrol car. R [REDACTED] did not see officers render Grant aid.</p> <p>R [REDACTED] told me he had been partying in San Francisco before boarding the train. R [REDACTED] told me he drank a pint of alcohol while partying. R [REDACTED] admitted that he had been drinking but was not drunk.</p> <p>R [REDACTED] admitted knowing the other detained subjects from high school but did not admit having any friendships with the other involved parties. R [REDACTED] did not admit partying with the other detained subjects.</p> <p>N [REDACTED] R [REDACTED] B [REDACTED] (Suspect)</p> <div style="background-color: black; width: 400px; height: 60px; margin-top: 5px;"></div>					
REPORTING OFFICER(S) T. Carter #416		RECORDING OFFICER #416		DATE / TIME PREPARED 01-01-09/1400	
DISPOSITION: <input type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> FAXED TO: _____			

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POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/01/09-1400hrs
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1. CODE SECTION(S) 243.35P.C. / 148(a)(1) P.C	2. CRIME(S) / CLASSIFICATION(S) Battery on a train/Resisting Arrest	
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street, Oakland, CA 94607	5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS		
<p>On 01/01/09 at about 0657 hours, Detective Smith #374 and I conducted a voluntary interview with subject N. B. R. B. The interview took place at the Lake Merritt BART Police Facility in the Large Conference Room.</p> <p>N. B. was un-handcuffed and I advised him that he was not under arrest and just detained. I read N. B. the Beheler Admonishment. N. B. told me he understood that he was not under arrest, free to leave at anytime and could choose what questions to answer.</p> <p>Due to N. B. being handcuffed for a long period of time, I emphasized that he was not under arrest and there were no charges being brought against him. I then read N. B. his Miranda Rights so that he was perfectly clear he was never under arrest. N. B. advised that he understood his Miranda Rights.</p> <p>N. B. immediately said he did not know anything and that he blacked out. N. B. was not willing to answer any questions. N. B. mumbled as he spoke and constantly looked down. N. B. said he went over to his friend's house before boarding BART. But when asked a second time N. B. said he didn't remember.</p> <p>B. told me he did not have a medical condition. N. B. told me that he had not been drinking or taking drugs at the time of the incident.</p> <p>Since N. B. did not offer any pertinent information, the interview was concluded.</p> <p>F. B. A. (Detainee)</p>		
CONTROLLED DOCUMENT RELEASE TO: <u>SB1421</u> BY SAP J-285 BART POLICE DEPARTMENT CONFIDENTIAL		
REPORTING OFFICER(S) T. Carter #416	RECORDING OFFICER #416	DATE / TIME PREPARED 01-01-09 / 1400
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243.35P.C. / 148(a)(1) P.C.		Battery on a train/Resisting Arrest			
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Officer Pirone		800 Madison Street, Oakland, CA 94607		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<div style="background-color: black; width: 100%; height: 50px; margin-bottom: 10px;"></div> <p>On 01/01/09 at about 0707 hours, Detective Smith #374 and I conducted a voluntary interview with subject [REDACTED] A [REDACTED]. The interview took place at the Lake Merritt BART Police Facility in the Large Conference Room.</p> <p>A [REDACTED] wasd un-handcuffed and I advised him that he was not under arrest and just detained. I read A [REDACTED] the Beheler Admonishment. A [REDACTED] told me he understood that he was not under arrest, free to leave at anytime and could choose what questions to answer.</p> <p>Due to A [REDACTED] being handcuffed for a long period of time, I emphasized that he was not under arrest and there were no charges being brought against him. I then read A [REDACTED] his Miranda Rights so that he was perfectly clear he was never under arrest.</p> <p>A [REDACTED] told me somebody got shot.</p> <p>A [REDACTED] told me he was by the BART train when he was tackled by BART police. A [REDACTED] told me the police were saying he was trying to fight the "guard". A [REDACTED] told me he was only walking. The police told him he was too near the scene.</p> <p>A [REDACTED] told me he was on the train but did not see a fight. A [REDACTED] remembered hearing one "pop". A [REDACTED] told me he did not remember anything else about the incident. A [REDACTED] told me that he "blackened out".</p> <p>A [REDACTED] told me he does not know who shot the guy. FEB 23 2019</p> <p>A [REDACTED] told me that he drank a little alcohol on New Year's Eve. RELEASED TO: SB1421</p> <p>A [REDACTED] told me his gets paranoid when he hears gun shots since he was</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Carter #416		#416		01-01-09 / 1400	
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POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09-1400hrs

1. CODE SECTION(S)

243.35P.C./148(a)(1)P.C

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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shot before.

I noticed A [REDACTED] eyes were drowsy looking as if he were sleepy or on some kind of medication. I asked A [REDACTED] if he had taken any medication. A [REDACTED] said, "No". A [REDACTED] was complaining about having poor circulation. Detective Smith offered to call a paramedic for A [REDACTED]. A [REDACTED] declined medical assistance.

A [REDACTED] did not offer any other pertinent information.

J [REDACTED] R [REDACTED] B [REDACTED] (Suspect)

On 01/01/09 at about 0717 hours, Detective Smith #374 and I conducted a voluntary interview with subject J [REDACTED] B [REDACTED]. The interview took place at the Lake Merritt BART Police Facility in the Large Conference Room.

I read J. B [REDACTED] read the Beheler Admonition and the Miranda Warning. J. B [REDACTED] told me he understood his rights. I advised J. B [REDACTED] he was not under arrest and free to leave at any time. J. B [REDACTED] audio tape recorded statement was placed into evidence (see Smith's supplemental).

M [REDACTED] R [REDACTED] G [REDACTED] (Suspect)

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-285
BART POLICE DEPARTMENT
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T. Carter #416

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On 01/01/09 at about 0800 hours, Detective Smith #374 and I conducted a voluntary interview with subject M [REDACTED] R [REDACTED] G [REDACTED]. The interview took place at the Lake Merritt BART Police Facility in the Large Conference Room.

I advised G [REDACTED] that he was not under arrest and just detained. I read G [REDACTED] the Beheler Admonishment. G [REDACTED] told me he understood that he was not under arrest, free to leave at anytime and could choose what questions to answer.

Due to G [REDACTED] being handcuffed for a long period of time, I emphasized that he was not under arrest and there were no charges being brought against him. I then read G [REDACTED] his Miranda Rights so that he was perfectly clear he was never under arrest.

G [REDACTED] told me the following: In essence, G [REDACTED] was on the BART train with his friends; namely, Grant, N. B [REDACTED], R [REDACTED] A [REDACTED], J. B [REDACTED], S [REDACTED] (G [REDACTED] 'baby mama'), R [REDACTED] girlfriend (A [REDACTED] R [REDACTED]), J [REDACTED] S [REDACTED] and J [REDACTED] T [REDACTED].

G [REDACTED] and his friends were partying in San Francisco together.

G [REDACTED] told me a fight broke out on his train right next to his group. The fight started in between stations, Lake Merritt and Fruitvale. G [REDACTED] told me he watched the fight between a black male and a Latino male until the train stopped at the Fruitvale BART Station. G [REDACTED] stated there were people getting off the train and getting on the train.

G [REDACTED] told me some of his friends off boarded the train. G [REDACTED] told me Grant and his girlfriend S [REDACTED] off boarded, "J [REDACTED] (J. B [REDACTED], and C [REDACTED]. G [REDACTED] told me he and some of his friends stayed on the train.

G [REDACTED] told me that his friends who off boarded were walking towards the down escalator when the police was arriving to the platform. Simultaneously S [REDACTED] was arguing with some unknown female when the

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police arrived to the scene. The police then began to focus on his friends.

G [redacted] told me 4-5 police officers responded to the platform and began detaining people. Officers advised that they were called out to a fight involving 4 black males wearing black clothing. G [redacted] told me anyone fitting that description was being detained and pulled people off the BART train.

The doors to the BART train were still open and a police officer was yelling into the train something like, "Whoever else was involved come outside now". No one off boarded.

G [redacted] told me the officer (Pirone) then boarded the train and grabbed G [redacted] by the collar and tried to drag him off the train. G [redacted] got into a verbal altercation with the officer (Pirone) and told the officer, "I'll come outside. You ain't got to put your hands on me."

G [redacted] said the officer said something like, "Shut the fuck up" and then tried to throw him on the ground. G [redacted] said he resisted going to the ground and then he and the officer (Pirone) started to struggle.

G [redacted] told me the officer attempted to throw his head against the wall after he did sit down, which got his friends very upset. Grant and the other subjects tried to stand up. The officers told the group to stay seated.

Grant tried to stand up again. G [redacted] told me Grant was verbally and physically resisting officers "a little bit". G [redacted] told me Grant was struggling during the contact. As G [redacted] was speaking, G [redacted] put both his arms out like an airplane's wings slightly bent backward and said Grant tensed his arms up in an attempt not to be handcuffed. Then the police put Grant back on the ground like they were going to handcuff him. G [redacted] told me the officer had a knee in Grant's back while holding handcuffs in one hand. This same officer had placed one of Grant's arms behind his back.

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The other officer was trying to grab Grant's other arm. They (officers) had taser guns with red beams pointed on Grant. But before they could put Grant in handcuffs, "dude" shot him (Grant).

G [REDACTED] was sure that the officer used his gun in the incident because the shell casing fell right by G [REDACTED], who was sitting next to Grant. G [REDACTED] told me Grant was shot in the middle of his back.

G [REDACTED] told me Grant was then handcuffed. The police did place a shirt or something over Grant's back.

The only two officers G [REDACTED] said were involved in the incident were the tall and slightly skinny officer and the officer with the "Mohawk" or high fade hair style.

G [REDACTED] believed about 5-6 officers were on the scene at the time of the incident.

After the shooting, random people starting arguing with the police asking them why they did that. Since the incident train was still on the platform, the crowd on the train was yelling at the police officers, too.

G [REDACTED] told me he sat on one side of Grant and J. B [REDACTED] sat on the other side. G [REDACTED] remembers N. B [REDACTED] and F. A [REDACTED] was also along side the wall.

No other information was provided.

Each interview was audio recorded and placed into evidence. Each subject was given an 849 (b) form for a Certificate of Release for the violation of 243.35P.C.

T [REDACTED] C [REDACTED] (Witness)

Declined to give address [REDACTED] CA)

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NOT FOR RELEASE
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On 01/02/09 at about 1237 hours, I spoke to T [REDACTED] C [REDACTED] via telephone. C [REDACTED] videotaped the incident that occurred at the Fruitvale BART Station on 1/1/09. C [REDACTED] flagged down Lt. Forte at the Bayfair BART Station and advised him that he was in possession of the video. C [REDACTED] gave the sandisk with the incident to Lt. Forte for evidence. The sandisk was taken from C [REDACTED] Sony Cybershot camera (see K. Smith's supplemental).

I advised C [REDACTED] that we would not alter, change, destroy or damage his property. I explained that the video was evidence and would not be tampered with.

In essence, C [REDACTED] told me the following: C [REDACTED] was on the third car of the incident train. C [REDACTED] saw an officer, described as a Latino male about 5'11-6'1, weighing about 180-200lbs, with a fade type hair style detain about three males who were on the platform.

C [REDACTED] saw the subject described as a "light-skinned" black male about 5'7-5'8, with short dreads walk onto his train car and stand in between the entrance/exit doors and cross train doors.

C [REDACTED] heard the officer yell into the train and say, "Get off the BART mother fucker. I'm going to pull you off the train".

The officer then boarded the train and proceeded to drag the subject (G [REDACTED]) off the BART train using "excessive" force. C [REDACTED] told me the officer grabbed G [REDACTED], and then when on the platform, swung him to the ground and handcuffed him.

About the same time "Oscar Grant" was on his cell phone, yelling into the phone, "They're beating me up". (C [REDACTED] mentioned Grant's full name in this report. C [REDACTED] told me he got the name from the news).

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While Grant was on the phone, C████ told me Grant was sitting on the ground, un-handcuffed.

The same officer (Pirone) went to Grant and threw him to the ground and put his knee on top of his neck.

Another officer ("the one who fired the gun") went and handcuffed Grant before the shooting. After more questioning, C████ stated that he did not see Grant handcuffed but did notice both Grant's hands were restrained behind his back while he was lying on the ground.

The officer then pulled his gun from his holster. The gun was completely out of his holster. It looked like he was trying to extend his arms and the gun went off. The officer then said, "Oh Shit. Oh my God. Oh my God".

Everyone around the scene then paused for a second and then began yelling out that the officer shot the guy. There was a lot of commotion at that point but much of the crowd had left the platform.

C████ did not see any immediate reactions from the officers.

C████ told me he was less than 10 feet from the incident. C████ told me he used his camera to record the incident. C████ told me he was inside the BART train by the entrance doors when the incident occurred. C████ told me there was only one time a person stood in his way and obstructed his view. C████ told me he was blocking the train doors while filming the incident, delaying the train from departing the platform.

C████ told me the incident happened towards the front end of the BART station by the lead train car.

C████ told me that his BART train was crowded when it arrived at the Fruitvale BART Station. He described the crowd as a lot of people talking and excited about the New Year. C████ told me that he did not notice a

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fight in his train. C [REDACTED] stated he was in one of the first 3 cars from the lead.

C [REDACTED] told me he did not see any subjects with weapons in their possession. C [REDACTED] did notice that one or two officers had tasers deployed. C [REDACTED] believed that there were a total of 5 police officers on the scene at the time of the shooting.

C [REDACTED] told me there was no alcohol in his system at the time of the incident.

There was no other information given. C [REDACTED] audio taped statement was copied to a disc and submitted into evidence.

C [REDACTED] was very adamant about retrieving his sandisk. I advised C [REDACTED] that the sandisk which included the videotape was evidence and could not be returned to him. I advised him that the videotape would stay in its original state.

Eventually C [REDACTED] agreed to a new replacement sandisk and a downloaded copy of his personal pictures which were on the sandisk.

On 01/02/09 at about 1725 hours, C [REDACTED] met me at the Lake Merritt BART Station with a receipt for a new sandisk that he purchased from Target. C [REDACTED] was reimbursed for his purchase and given \$20.00. I also handed him a CD-R disc which contained his personal pictures, excluding the videotape from the Fruitvale BART incident. I explained to C [REDACTED] that the videotape was evidence and would be treated as such.

C [REDACTED] P [REDACTED] (Witness)

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On 01/02/09 at about 1702 hours, I spoke with witness C [REDACTED] P [REDACTED] via telephone. I advised [REDACTED] that the interview would be audio tape recorded.

In essence, P [REDACTED] told me the following: On 01/01/09 P [REDACTED] boarded the incident train at the Civic Center BART Station. P [REDACTED] told me he was seated towards the middle of the BART train. P [REDACTED] believed he was in the 3rd or 4th train car.

P [REDACTED] told me he was bout 30-40 feet behind the incident on the platform when the train pulled into the Fruitvale BART Station. P [REDACTED] told me that his train car was crowded and did not see the entire incident. P [REDACTED] told me at times he did stand up to witness the events taking place on the platform.

P [REDACTED] told me that he wears prescription glasses and he had them on at the time of the incident.

P [REDACTED] told me he had one beer to drink that night and was "probably the only guy on the train not drunk".

P [REDACTED] told me the train pulled into the Fruitvale BART Station and he could see 4-5 officers standing on the platform waiting for the train to arrive. P [REDACTED] did not see any disturbances in his train car.

When the train doors opened, P [REDACTED] saw the police, unknown how many officers, yelling into the train. P [REDACTED] did not know what the officers were saying because the crowd was overally noisy due to it being a special night. P [REDACTED] described his train car as very crowded, extremely noisy, very chaotic, and people talking about their night. It was nosier than a regular night.

The police pulled about 4-5 males off the train. It was a very chaotic

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scene on the platform, at least vocally. The guys the police pulled off the train were either yelling at each other, someone else or the police. P described the the situation as "chaotic vocally".

The police were trying to keep order and told the group of males to calm down. This part of the altercation continued for about five minutes as the train sat on the platform.

P saw the subjects put their hands up and try to stand up from the ground. The officers would tell them to "sit down". The officers were trying to calm the detainees down.

When the subjects tried to stand up, P described their demeanor as agitated and uncooperative. P believed that the subjects were intoxicated and that their adrennaline was flowing. The agitation was focused on all the officers.

P next saw a couple of guys seated on the ground and some were handcuffed.

P saw officers detain about 4-5 subjects lined up by the wall.

He heard from the passengers on the train that the officers had taser guns. He stood up to look outside and saw one officer pull out what P believed to be the officers "issued firearm". P believed it to be a gun because he thought that is typically where a gun would be positioned on a police officer. However, P did not see a gun drawn.

When P looked outside again, he saw the male (Grant) lying face down on the ground.

P turned away from the scene for a "split second" and heard a gun go off. P told me the officer with what he believed to be a gun, had it out for about 5-10 seconds before he heard a "bang" sound.

REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09 / 1400

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09-1400hrs

1. CODE SECTION(S)

243.35P.C./148(a)(1)P.C

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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After the shooting, P [REDACTED] said the officer looked in "shock". He looked like a "deer in the head light". Then someone escorted him away.

P [REDACTED] told me the train left the platform about 2-3 minutes after the shot was fired.

P [REDACTED] did not see the tasers deployed or being used by officers.

P [REDACTED] did not see the shooting.

P [REDACTED] did not see a gun but assumed the officer must have had a gun.

P [REDACTED] had no other information to offer at this time. His audio taped statement was placed into evidence at the Lake Merritt BART Police Facility.

A [REDACTED] Z [REDACTED] (R/P)

D [REDACTED] Z [REDACTED] (R/P)

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On 01/03/09 at about 0825 hours, I spoke to reporting parties A [REDACTED] and

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D. [REDACTED] Z. [REDACTED] in regards to this incident via telephone. (A. Z. [REDACTED] had left a message on the Detective main phone line identifying herself as the person who reported the fight to the train operator).

In essence, A. Z. [REDACTED] told me the following: On 01/01/09 at about 0200 hours, she and her family had boarded the incident train at the Oakland West BART Station.

A. Z. [REDACTED] and her family had first boarded a Pittsburg train at the Embarcadero BART Station. They boarded the Pittsburg train because the Embarcadero BART Station was extremely crowded and chaotic. There was a sea of people on the platform and A. Z. [REDACTED] was trying to get her young children away from that scene.

A. Z. [REDACTED] waited for a Dublin bound train at the West Oakland BART Station thinking the trains would be less crowded. However, all the trains going through Oakland West were packed. Since the night was getting later, she boarded the incident train at the Oakland West station.

A. Z. [REDACTED] told me that the incident train was extremely crowded and the people were packed like "sardines".

The train pulled into the Lake Merritt BART Station and some people exited to transfer to a Richmond bound train.

A. Z. [REDACTED] was seated at the last seats by the doors leading into the next train car. Her husband, D. Z. [REDACTED] stood by the doors that lead to the next consist.

All of a sudden, A. Z. [REDACTED] saw a fight break out in the lead car by the

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Officer Pirone		800 Madison Street, Oakland, CA 94607		510-464-7000	
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<p>2nd set of entrance/exit doors (Y-end).</p> <p>The Z [REDACTED] then got up to move to the next car because people were pushing, shoving and fighting eachother. D. Z [REDACTED] then pushed the train intercom button and told the operator that there was a big fight in car 381. A. Z [REDACTED] said it was about twenty people fighting at the time she and her husband alerted the train operator to the fight.</p> <p>Z [REDACTED] informed the passengers in the second train car that there was a fight. Everyone in the second train car proceeded to witness the fight through the double doors into the lead car.</p> <p>At this time the train was pulling into the Fruitvale BART Station.</p> <p>The train pulled into the Fruitvale BART station and when the train doors opened she heard lots of raucous going on. A group of people were still fighting. They were fighting on the platform and on the train. The fight was going in and out of the front car.</p> <p>D. Z [REDACTED] pushed the intercom again and told the train operator to close the doors so the fight did not come back on the train.</p> <p>A. Z [REDACTED] was yelling to everyone to "clear the doors, clear the doors". A. Z [REDACTED] said by now all the passengers had gotten up from their seats and were smashed against the window trying to see what was going on. Or, they were hanging out the door looking towards the platform.</p> <p>A. Z [REDACTED] believed the fight was between the first set of doors on the second train car and the third train car.</p>					
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Then A. Z [REDACTED] heard gun fire. She heard one shot. She did not see the shooting.

The train doors closed and the train left the station.

There is then much talk on the train about what people had just seen.

A. Z [REDACTED] told me that some of the people involved in the original fight were still on the train when the train pulled off. A. Z [REDACTED] described the other involved parties as a white male adult about 30 years old, short and stocky build, clean shaven head, tattooed forearms, wearing an oversized white T-shirt and blue jeans and a Hispanic or Caucasian female, about 30 years old, heavyset, bleach dyed hair possibly started the fight because their 14 year old appeared to have been accidentally elbowed in the mouth due to the packed crowded train. The female subject was very "mouthy".

The fight started between the unknown white guy and a big black guy. Most of the people in the fight were either black or Mexican. They were wearing black clothing.

As the train pulled into the station, the white male walked through the sliding doors to the second train to "hide". The unknown white subject told D. Z [REDACTED] something like, "Hey, I was just trying to protect my kid". (D. Z [REDACTED] told him he should go back to his kid if that is how he felt and stressed to him not to bring the fight into the other train car). The fight continued even when the white male went into the second train car. The fight started with two individuals and escalated to about 20 people. Both Z [REDACTED] described the fight like a "bar room fight".

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Everybody was throwing punches.

A. Z [REDACTED] also mentioned that one of the males involved in the fight was a very tall kid, wearing a jacket with a gold dragon like picture on the back outlined in black. He may have been the person in the fight with the white male.

A. Z [REDACTED] mentioned four individuals involved in the fight were never detained on the scene at Fruitvale BART Station and stayed on the train. These suspects exited at the Bayfair BART Station. This included the group that was with the white male subject.

A. Z [REDACTED] told me that the suspects involved in the fight were "hammered and stoned". She told me everything smelled like weed.

A. Z [REDACTED] saw four black males, who were not involved in the fight, exit at the Fruitvale BART Station. They seemed "excited" and "energized" to have seen the fight on the train. They were charged with adrenalin and said to one another, "Man, did you see that shit". A. Z [REDACTED] said there was a lot of chaos going on.

A. Z [REDACTED] did not see who was detained by the police officers on the platform. At that time they were close to the intercom button by the sliding glass doors that led into the lead car.

A. Z [REDACTED] told me she may recognize some of the individuals involved in the fight if given photo line-ups. Both Z [REDACTED] were willing to look at photo line-ups.

D. Z [REDACTED] then told me that he was in communication with the train operator more than his wife. D. Z [REDACTED] advised that A. Z [REDACTED] was

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<p>accurate in her statement as to the incident on the train and wished to add a few things.</p> <p>D. Z██████ told me that the main group involved was a group of black males that he described as "wild". One of the subjects had backed into D. Z██████ pretty hard while the train was in motion, before the fight started. D. Z██████ advised the subject that he backed into him and the subject said he was sorry. He could not describe what he looked like.</p> <p>D. Z██████ told me most of the individuals in the group were black males wearing baggy jeans and black jackets.</p> <p>D. Z██████ told me neither he nor his wife wear any prescription glasses other than reading glasses. They did not have glasses on that night.</p> <p>D. Z██████ told me neither he nor his wife had any alcoholic beverage to drink on the night of the incident.</p> <p>They did not see any of the incident that occurred on the platform.</p> <p>D. Z██████ did not notice if any of the passengers said anything to the officers.</p> <p>After the shot was heard, people were talking about the incident.</p> <p>There was no other information that either reporting party could offer. The audio recorded statement was placed into evidence at the Lake Merritt BART Police Facility.</p> <p>M██████ T██████ (Witness) ██</p>					
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<div style="background-color: black; width: 100%; height: 100%;"></div>					
<p>On 01/03/09 at about 0937 hours, I spoke to witness M [REDACTED] T [REDACTED] via telephone in regards to this incident. In essence, T [REDACTED] told me the following:</p> <p>T [REDACTED] told me he was about 10 feet away from the shooting incident. T [REDACTED] told me the incident train was delayed at the Fruitvale BART Station for a few minutes. A group of individuals (about 10 or more people) stepped off the train car, which was in front of T [REDACTED] car, onto the platform.</p> <p>T [REDACTED] saw that this same group was in some sort of confrontation or argument with unknown individuals. There was some sort of "yelling match" between a group of people. It started off with some of the gentlemen then the females in the groups began getting into it. There was yelling on the train and then yelling on the platform. One of the females was described as Hispanic or "light skinned" and short about 5'4".</p> <p>A single officer then arrived on the scene. He was described as having a shaved head with hair in the middle, like a crew cut.</p> <p>When the group who was arguing saw the officer, part of the group dispersed and attempted to leave and a second group (possibly the subjects the first group was arguing with) walked towards the BART exit. The first group was walking towards the officer and the second group was walking behind the first group.</p>					
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POLICE REPORT

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The first group had more Hispanic males. The second group was primarily African Americans. Between both groups, there was about 12 suspects walking towards the officer (Pirone).

Several members of the second group jumped into separate cars. Three of the individuals jumped onto T [REDACTED] train car. T [REDACTED] told me the 3 males bumped into him when they were running back into the train.

The officer (Pirone) saw the males jump onto Torres' train car. T [REDACTED] told me the officer (Pirone) yelled into the train, "This train isn't fuckin leaving until all of you guys get off the train. Do you think I am fuckin' stupid? I see you." One of the subjects, who was wearing a red hat, walked into the train car behind T [REDACTED].

Pirone lined up three people on the wall of the BART platform. These subjects seemed upset and was asking the officer (Pirone), "Why are you stopping me?" One of the subjects had a hand in his pocket and the officer told him to get his hands out of his pockets. The subject took his hands out of his pockets and raised his hands up by his shoulders. T [REDACTED] told me the subjects were not physically resisting but were verbally resistive. They were talking back to the officers.

A female officer (Domenici) then responded as back up. The main officer (Pirone) then began to pull subjects off different train cars.

The first person the officer (Pirone) pulled off the train was the subject in the train behind T [REDACTED]. This was the subject with who originally ran into T [REDACTED] car then went through the double sliding door to the next consist.

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<p>Prior to going into the train car to retrieve the first subject, the officer (Pirone) yelled into the car, "I see you". The officer (Pirone) had his taser out.</p> <p>Pirone then secured the people that were on the platform and then went to the train car T [REDACTED] was in and pulled two male subjects off the BART car. Grant was one of the individuals pulled off the train. The other subject had to be pulled off the train by wrapping his arm around him because the subject was trying to ignore the officer.</p> <p>After the officer pulled everyone off the train, the subjects began to get "wound up". All of the subjects were standing up on the platform at this point.</p> <p>He continued to look through additional cars. As the crew cut officer (Pirone) moved to the front of the train and then back, the officer (Pirone) seemed agitated and he started to yell, "That fucker's going to jail", pointing to the individual who eventually got shot (Grant). T [REDACTED] told me that Grant and some of the other subjects were saying things to the officers. T [REDACTED] told me that there was a verbal altercation. The subjects were saying things like, "Oh, you're not real police". "Why you harassing me".</p> <p>The subjects were yelling at the officers and talking to each other.</p> <p>When the above statement was made by the officer (Pirone), the subject (Grant) was standing by the wall. The officer (Pirone) then ran up to the individual (Grant) and kned him in the stomach in an effort to get Grant down on the ground. However, T [REDACTED] did not hear any verbal commands initiated by the officer (Pirone) beforehand. Grant then dropped down to</p>					
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2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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the ground and was placed face down on the platform with his hands restrained behind his back.

T████ told me Grant was the only person kneed to the ground. The other subjects were still standing up.

At that point, the subject who was still on the train (described as the male wearing the red hat), got off the train voluntarily and went to the platform. T████ believed that this subject may have had a weapon and started to pay more attention to protecting his wife. As the guy wearing the red hat started to walk off the train, he said, "Get out of the way. Get out of the way". He was upset. This person was eventually detained.

T████ told me his BART train then got upset because Grant was kneed to the ground. A lot of people started yelling out of the BART train he was on. The passengers were yelling, "Hey what are you doing?"

Ten or more people started to get "rowdy".

By this time, T████ remembered a few more officers began to arrive, possibly two.

The commotion in T████ car ensued. A lot of people were trying to take pictures and videos.

T████ was attempting to calm down the people on the train.

T████ then heard a gun shot.

The train then pulled off a short time later.

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REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-01-09/1400

APPROVED BY:

DISPOSITION:

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**BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607**

0901-0027

01/01/09-1400hrs

243.35P.C./148(a)(1)P.C

Battery on a train/Resisting Arrest

Officer Pirone

800 Madison Street, Oakland, CA 94607

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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T█████ did not see any officers with drawn guns.

At the time of the shooting, T [REDACTED] saw the back of Pirone. Domenici was to the right of Pirone. And, there was another officer in that proximity looking towards the BART cars. T [REDACTED] believes there were other officers down the platform away from the scene.

At the time of the shooting, the officer with the crew cut (Pirone) had his back towards the train. T[REDACTED] was at the entrance/exit door directly facing the scene but only saw Pirone's back at the time of the shooting.

T██████ believes the crew cut officer (Pirone) and some of the other officers had their tasers out prior to the shooting. T██████ described the tasers as having yellow on them with a cap. At one point, he saw the red light or red dot pointed on people.

When asked to describe the person who shot the gun, T [REDACTED] described the officer as a white or Latino male, with a military hair cut, shaved crew cut, dark hair, medium/over medium build, about 5'10.

T█████ believed the same officer who kned Grant and pulled people off the train was the same officer who fired the weapon. T█████ believed that he could not see the officer's (Pirone) gun because his back was facing the train.

T[REDACTED] was either in the 3rd or 4th car, directly in front of the incident.

T[REDACTED] stood at the entrance/exit double doors about 5-10 feet away from

OFFICER(S)
T. Carter #4116

#416

01-01-09 11400

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

1. CODE SECTION(S)

243.35P.C./148(a)(1)P.C

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-7000

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the shooting.

T [REDACTED] train was crowded.

T [REDACTED] told me he had been drinking alcohol earlier in the night but was not intoxicated.

T [REDACTED] told me he does not wear glasses or contact lenses.

T [REDACTED] did not see the officer's render aid.

This audio taped statement was placed into evidence at the Lake Merritt
 BART Police Facility.

Nothing further.

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**BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607**

01/07/09 - 0943

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)	
243.3P.C., 148(A)(1)P.C.	Battery on a train, Resisting Arrest	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE
Officer T. Pirone #514	800 Madison Street, Oakland, CA 94607	510-464-6000

PROPERTY / EVIDENCE / PHOTO – DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On 01/07/09 at about 0943 hours, Detective Smith #374 and I met with Officer Domenici #496 to conduct a follow-up interview in regards to the shooting which occurred on 01/01/09 at the Fruitvale BART Station.

The interview was conducted at the Lake Merritt BART Police Facility, in the Large Conference Room.

Before the interview began, I noticed that officer Domenici was visibly shaken about the events that took place at the Fruitvale BART Station. Throughout the interview as Domenici recalled the events, I could see tears coming down her eyes.

In essence, Domenici told me the following: Domenici told me the Bay Area Rapid Transit Police Department (BART) hired her as a BART Police Officer on July 5, 2004. Domenici told me she has no prior law enforcement experience as an officer.

On the night of the officer involved shooting, Domenici started her shift as a solo officer at 1515 hours but at 1800 hours she was told that she and Officer Pirone would be partnered up for the rest of the shift. The shift was scheduled to end at 0400 hours.

Domenici started her shift as 1B13 which covers the Rockridge, MacArthur and 19th Street BART Stations. At 1800 hours, her assignment changed to 1B10 which covers the Fruitvale and Coliseum BART Stations.

Domenici is familiar and knowledgeable with the Oakland BART Stations and has worked this assignment before.

Domenici's normal shift hours are from 1515 to 0115 hours with regular work days of Tuesday - Friday.

Domenici's normal supervisor is Sergeant Macaulay. Domenici told me Sgt.

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☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

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OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/07/09 - 0943

1. CODE SECTION(S)

243.3P.C., 148(A) (1)P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone #514

4. ADDRESS

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Macaulay was her sergeant on the night of the shooting.

Domenici told me the last shift she worked prior to this incident was December 30, 2008 from 1515 - 0115 hours.

Domenici told me she has no second jobs and did not work any extended hours prior to the officer-involved shooting.

Domenici stated that she was not on any medication or prescription or non-prescription drugs on the night of the officer involved shooting.

Domenici told me there are no medical conditions that we should be aware of.

Domenici told me that she did not consume any alcoholic beverage within the prior 24 hours of the shooting.

Domenici told me that prior to the start of her New Year's Eve shift, she had approximately 7-8 hours of sleep.

Domenici told me that she wears prescription contact lenses and did have them on at the time of the officer involved shooting.

Domenici told me that she does not have any hearing issues or concerns. Domenici stated she does not wear a hearing aid.

Domenici told me she was wearing her department issued standard uniform. (511 work boots, LAPD pants, BART police uniform shirt with the gold badge on the shirt with two "distinguishable" BART Police patches on the long sleeve shirt, bail book, citation book and duty belt. Domenici was not carrying flexi cuffs.

Domenici stated that she had the following on her duty belt: TASER (facing towards the left for left handed draw), double handcuff case, duty gun, extra magazine pouch, pepper spray, baton ring with wooden baton, and a

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1. CODE SECTION(S) 243.3P.C., 148 (A) (1) P.C.	2. CRIME(S) / CLASSIFICATION(S) Battery on a train, Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer T. Pirone #514	4. ADDRESS 800 Madison Street, Oakland, CA 94607	

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police radio.

Domenici stated there was no damage to her police equipment or her uniform at the time of the officer involved shooting.

Domenici described the night as cold.

Domenici described the lighting conditions as well-illuminated with light from the light fixtures located at the Fruitvale BART Station.

Domenici told me she had several contacts with the public throughout the night and nobody questioned her status as a police officer.

Detective T. Smith handed Domenici a copy of a report he had written in regards to the audio taped statement Domenici had provided on the night after the shooting. The report was given to her so that she could voluntarily clarify or elaborate on any statements written in that report. Domenici read the report and made two corrections in red ink. Domenici clarified that she detained a "Mixed" race black male with messy hair. Domenici then signed the copy of the report, which was later placed into evidence at the Lake Merritt BART Police Facility (see Smith's supplemental).

Detective T. Smith presented Domenici with a photo copy of a replica outline of the Fruitvale BART Station. Domenici put marks where she, Officer Pirone and the suspects were standing at the time she first arrived to the platform and contacted the suspects. Domenici signed the diagram. Detective Smith placed the diagram into evidence at the Lake Merritt BART Station (see Smith's supplemental).

Detective T. Smith presented Domenici with colored photos of the six suspects detained on the platform. Domenici was able to identify G [REDACTED] as the fourth person Pirone pulled off the train and physically struggled with in an attempt to handcuff.

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
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BART POLICE DEPARTMENT
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2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone #514

4. ADDRESS

800 Madison Street, Oakland, CA 94607

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510-464-6000

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Domenici recognized Oscar Grant as the subject who was uncooperative and who sat in the "catcher's position" and refused to sit down.

Domenici identified C█████ R█████ as one of the three persons she first contacted on the platform. Domenici told me R█████ was wearing a hat.

Domenici recognized N█████ B█████ as the mixed black male with the messy hair who claimed that she tased him. Domenici told me N. B█████ said, "You fucking bitch. You're a mom. You should help me. You have fucking kids. Help me. Help me. You stupid bitch. Well you know what? Fuck you. You're not OPD. You're just mother fucking BART Police." Domenici told me N. B█████ made these comments after she heard the "pop" noise. Before the shot was heard, Domenici told me she was not dealing with N. B█████ and does not know what he may have said.

Domenici recognized J. B█████ as another individual who called her a "bitch".

Domenici recognized A█████ as the subject who threw the phone at her and called her a "Fucking bitch". Domenici told me he "just kept coming at me". A█████ told me that on the night of the officer-involved shooting A█████ hair was in braids.

Domenici told me Pirone told her to watch F█████ Grant and N. B█████ while he pulled a fourth person (G█████) off the train.

Domenici told me that she was dispatched to a call of a fight on the Dublin bound train at the Fruitvale BART Station. She did not hear any descriptions of the suspects involved in the fight.

Domenici told me when the call went out over the radio, she was in the free area of the Fruitvale BART Station. Officer Pirone was putting an intoxicated male in the back of his patrol car.

Domenici told me Pirone went to the platform prior to Domenici because an

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Battery on a train, Resisting Arrest

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unknown female stopped her in the free area on an unrelated 415P.C. The female was engaged in an argument with an unknown party.

Domenici told me Pirone told her to "98 upstairs". Domenici knew that to mean "meet me upstairs". She determined the altercation in the free area was minor and ran up the escalator to assist Pirone, unknown how much later.

When Domenici arrived to the platform, she told me she noticed how packed the trains were. Domenici described the train as a "crush load" meaning packed with people with no room for movement.

People were screaming and yelling something unintelligible. The noise level was extremely loud. Domenici stated she and Pirone had to yell at each other just to hear what each was saying. She mentioned it was very hard to hear radio traffic. Domenici told me she was wearing a radio ear piece that night.

Domenici saw Pirone with three males, later identified as Oscar Grant, N. B. [REDACTED] and C. [REDACTED] R. [REDACTED]. Pirone told Domenici to stay with them while he pulled someone else off the train. Domenici stated that these subjects were already off boarded and against the wall.

One of the males told Domenici he was going to sit on the bench even after being told not to move. Domenici told him, "No, stay where you are". The subject did not listen to her so she changed the tone of her voice and told him, "Sit down, sit down".

The subjects said something unintelligible and refused to sit down. At that point, Domenici stated she deployed her taser and pointed the taser at the subjects. Domenici told the detainees, "You need to sit down". N. B. [REDACTED] (the person with the messed up hair) and R. [REDACTED] (the Mexican person) both sat down after they saw the red light of the TASER. But the black male, later identified by Domenici as Oscar Grant, still refused to sit down and his "bottom" never touched the ground. Grant would only crouch

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CASE #

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Battery on a train, Resisting Arrest

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Officer T. Pirone #514

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down but then "pop" back up.

Domenici told me she then physically had to restrain Grant because he continued to disobey her verbal commands to sit down. She had to push him against the wall to restrain him. Grant was uncooperative and un-handcuffed at this time.

Domenici kept telling Grant, "Stay out of it, stay out of it". Grant kept coming off the wall and Domenici said she kept pushing him back. Grant kept saying, "That's fucked up". Domenici believed that Grant heard her verbal commands to stay back because he was looking in her direction and they were close in proximity.

Domenici later stated that at the time she was physically restraining Grant against the wall, Officer Pirone was "taking a fourth guy off the train". Pirone and the subject, later identified by Domenici as M [REDACTED] G [REDACTED] were engaged in a struggle on the platform. Domenici stated G [REDACTED] became combative with Pirone. Domenici saw Pirone struggling with G [REDACTED]

Domenici told me G [REDACTED] would not listen to Pirone's commands. Domenici could not hear the commands due to the noise level but saw that Pirone had to pull G [REDACTED] off the train.

Domenici told me G [REDACTED] was very aggressive with Officer Pirone. Domenici noticed G [REDACTED] body was very tense. When Officer Pirone "grabbed" G [REDACTED] G [REDACTED] body got real stiff. Domenici described G [REDACTED] as in "fight" mode. She could tell G [REDACTED] body was prepared to fight.

Grant kept "popping up" to go over to the struggle. Domenici kept pushing him back while telling him to stay out of it. Grant would not cooperate with Domenici. She stated she pushed Grant on his chest back against the wall several times and tried to hold him there. However, Grant kept getting off the wall.

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T. Carter #416

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1. CODE SECTION(S) 243.3P.C., 148(A)(1)P.C.	2. CRIME(S) / CLASSIFICATION(S) Battery on a train, Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer T. Pirone #514	4. ADDRESS 800 Madison Street, Oakland, CA 94607	

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At this time Pirone and Domenici were the only two officers on the scene.

Pirone eventually was able to handcuff G [REDACTED] Domenici still was physically restraining Grant against the wall. Pirone then walked over to help Domenici restrain Grant. Pirone had to physically restrain Grant by himself because another subject, not detained, was walking towards Domenici. Domenici averted her attention to the subject, identified as F [REDACTED] A [REDACTED] Domenici had to leave Pirone alone with Grant (who was uncooperative); and R [REDACTED] and N. B [REDACTED] who were sitting alongside Grant.

Domenici believed A [REDACTED] intentionally tried to distract her from assisting Pirone with Grant, who was uncooperative.

People on the train were yelling at Domenici saying, "You're just fucking BART Police. You don't know shit." "You fucking bitch."

A [REDACTED] was yelling at Domenici saying, "You fucking bitch. You're just BART Police". A [REDACTED] focused all his anger on Domenici. Another unknown male who was never detained accompanied A [REDACTED]. A [REDACTED] was moving towards Domenici in an aggressive and threatening manner while cursing obscenities. Domenici believed A [REDACTED] was in "attack mode". A [REDACTED] body was in a bladed stance, positioned kind of sideways. Domenici told me she told A [REDACTED] several times to stay back. A [REDACTED] would walk close to her in a "taunting or toying manner" and then walk back towards the train. Domenici told A [REDACTED] "Back Up" and "Stay back. Stay back". But he kept moving forward towards her. And the whole time Domenici remembered him calling her a "bitch". Domenici told me A [REDACTED] and the other people with him had angry and mad faces.

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Domenici told me at that time she was afraid. She was afraid because no one was listening to her commands and she believed A [REDACTED] and the other three males behind him were going to "rush" her but they never did. A [REDACTED] did this several times before throwing the phone at Domenici's face. Domenici stated she started thinking that she only had two

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/07/09 - 0943

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

1. CODE SECTION(S) 243.3P.C., 148(A)(1)P.C.	2. CRIME(S) / CLASSIFICATION(S) Battery on a train, Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer T. Pirone #514	4. ADDRESS 800 Madison Street, Oakland, CA 94607	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED.
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cartridges on her TASER and she did not know if she would be able to hold all of these people back. (Domenici was visibly shaken telling this part of the story and began to cry during this part of the re-interview).

A [REDACTED] looked in Domenici's direction and threw his cell phone at Domenici in an attempt to strike her in the face. Domenici "flinched" and moved her face towards the right so that the phone would not hit her.

Domenici decided that she needed to use her TASER on A [REDACTED] after he threw a phone at her face. However, Domenici saw Officer Knudtson arrive to the platform and come from behind to "tackle" and handcuff A [REDACTED]. Domenici did not want to use the TASER at the time and accidentally tase Knudtson.

Domenici stated that it got worse after Knudtson tackled and handcuffed A [REDACTED]. People did not listen to any of the orders given. At this time more officers started showing up. But the crowd still kept "coming at us". Domenici did not know how long after A [REDACTED] was handcuffed did she hear the shot.

Domenici told me at that time there was complete chaos on the platform and people were coming off the train. People on the train became more vocal. Domenici heard several people on the train say things like, "You're just fucking BART Police. You stupid bitch. That's fucked up". "The shit's not right". "You're fucked up". Domenici told me A [REDACTED] was performing for the video cameras. While the crowd video taped A [REDACTED] "going off" on Domenici, he would get "more and more hyped, more animated and more aggressive". And the crowd egged him on. He was "showing off" for the cameras.

Domenici told me as the crowd was yelling these obscenities, they kept coming off the train and towards Domenici. Some people off boarded the trains and were putting cameras in Domenici's face.

Domenici told me she made a verbal command for everyone to back up because

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REPORTING OFFICER(S) T. Carter #416	RECORDING OFFICER #416	DATE / TIME PREPARED 01/08/09-1130	APPROVED BY: DFS47 1-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/07/09 - 0943

1. CODE SECTION(S) 243.3P.C., 148(A)(1)P.C.	2. CRIME(S) / CLASSIFICATION(S) Battery on a train, Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer T. Pirone #514	4. ADDRESS 800 Madison Street, Oakland, CA 94607	

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the crowd was stepping towards the officers. Domenici said no one would back up and she was in fear of her safety.

Domenici told me she could not assist Pirone with Grant or the other detainees because she was dealing with crowd control trying to keep the crowd from interfering with the officers' duties.

Domenici said, "You do what you're trained to do and try to control the situation. But when people are not listening to you, knowing you are in full uniform and you are in authority, and they keep coming at you...I was afraid". "I was afraid for my life and the officers' lives. I kept thinking, 'I need to protect us. I need to protect us'". "There is all these people coming at us, not listening to us. I was afraid for my life and the other officers there. It just seemed like an eternity. We could not control the scene at all".

Domenici told me at one point she thought she may have to use lethal force. Domenici told me after she heard the shot, she thought she may have to use lethal force because she only had two cartridges for her taser and there were so many people coming at her who would not listen to her verbal commands to stay back.

Domenici stated the crowd turned against them (the police) even from the beginning, the crowd was making references to the BART Police. From the beginning, people were cursing at her, "Oh you're just BART Police. You don't know shit".

Domenici stated that she has been in other situations like Raider games and have handled large amount of crowds. But the crowd on New Year's Eve night was not a typical crowd. She stated everybody on the train was "out of control" and that it was "just too much". Domenici stated the crowd did not care and was not concerned with authority figures. "They did not care what we represented as law enforcement figures". "The people did not care that we were police officers".

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REPORTING OFFICER(S) T. Carter #416	RECORDING OFFICER #416	DATE / TIME PREPARED 01/08/09-1130	APPROVED BY: BFS47 1-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:	

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☐ NARRATIVE CONTINUATION
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/07/09 - 0943

1. CODE SECTION(S)

243.3P.C., 148(A)(1)P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone #514

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-6000

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Domenici told me she kept thinking, "Jesus, I might have to do this. I have to be in the frame of mind if and when it was going to happen".

Domenici stated when she saw other officers on the scene she realized she would not have to go to lethal force. She knew things would be better when the train left the station and she told Dispatch to close the station and run trains through.

Domenici did notice Knudtson and Woffinden arrive on the scene to assist. Domenici saw that there were other officers on scene but did not know who they were. Domenici believed Mehersele was also on scene since he was paired up with Woffinden that night.

Domenici told me she saw other law enforcement personnel arrive on scene and went over to assist Pirone. But Domenici told me her focus was on the crowd. Domenici told me her back was towards the officers and could not see what was going on behind her and that there was a pillar behind her, blocking her view.

Domenici told me after she heard the shot, it seemed like everybody paused. Domenici told me she turned towards the direction she heard the shot and saw Officer Guerra. Domenici told me she did not witness the officer-involved shooting.

Domenici told me after the "noise" it became "surreal" and the crowd's behavior got worse. The crowd kept coming off the train. People kept saying, "He got shot". At that time, she did not know who got shot.

Domenici told me she realized that Mehersele was involved in the shooting when she saw Lt. Franklin escort him off the platform.

Domenici told me she walked over to the scene. N. B. [REDACTED] was yelling at Domenici saying, "Save me, save me. You fucking bitch. You fucking tased me. You're a mom. You have kids".

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REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01/08/09-1130

APPROVED BY:

AFS47 1-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

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OAKLAND, CALIFORNIA 94607

CASE #

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DATE / TIME OF SUPPLEMENT

01/07/09 - 0943

1. CODE SECTION(S)

243.3P.C., 148 (A) (1) P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone #514

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-6000

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Domenici told me at this time the Fire Department was on the scene.

Domenici told me she looked down and saw that it was Grant who had been shot. She saw Guerra standing by the Fire Department. The Fire Department was rendering Grant aid.

N. B. continued to call Domenici a "bitch" as the Fire Department worked on Grant.

Domenici told me she tried to tell him to "calm down" and that he was making it hard for the Fire Department. But N. B. kept yelling as loud as he could. Domenici told N. B., "They are trying to work with him. You need to shut up". Another officer told N. B. to calm down because he was distracting everybody but he refused and kept yelling obscenities. N. B. said, "You fucking shot him and you tased me. You fucking bitch. You're a mom. You should help me. You have fucking kids. Help me. Help me. You stupid bitch. Well you know what? Fuck you. You're not OPD. You're just mother fucking BART Police".

Domenici could see the Fire Department had a difficult time talking to Grant over N. B. yelling the obscenities and being extremely loud.

Domenici told me J. B. was also screaming making it difficult for the officers and the Fire Department to control the scene. The Fire Department had to raise their voice just to talk to Grant.

Woffinden then escorted J. B. down the stairs to the paid area of BART and his voice could still be heard on the platform level.

Domenici told me she did not see anyone with his gun or TASER out due to Domenici's focus being on the large crowd that she kept telling to back up.

Domenici told me when the train left the station; she heard Officer Guerra call for medical. Domenici heard Pirone check on the status of the AMR

REPORTING OFFICER(S)

T. Carter #416

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DATE / TIME PREPARED

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APPROVED BY:

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POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/07/09 - 0943
<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		
1. CODE SECTION(S) 243.3P.C., 148(A)(1)P.C.	2. CRIME(S) / CLASSIFICATION(S) Battery on a train, Resisting Arrest	
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer T. Pirone #514	4. ADDRESS 800 Madison Street, Oakland, CA 94607	5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS		
<p>Unit, saying "What's the ETA?" Domenici remembered Dispatch saying, "6-8 minutes". Domenici remembered an officer say "Code 3". She heard Pirone say, "We need a sergeant and a lieutenant".</p> <p>Domenici remembered Pirone telling Dispatch to run trains through the station. She remembered going to him and telling him she had already did that.</p> <p>Domenici told me she then started to clear the platform.</p> <p>Domenici told me she is not aware of anyone being flexi cuffed at that time.</p> <p>Domenici told me she never heard any officer use the word "TASER" or "gun".</p> <p>Domenici did not know if any of the subjects detained on the platform had weapons because the crowd kept getting involved in the officer's attempt to investigate the 242 call.</p> <p>Domenici told me she had no time to pat down or do a cursory search on any subject. Domenici believed if she turned her back on the crowd to perform a pat search, someone in the crowd would have advanced on her to harm or injure her. Domenici told me her concern was keeping her and her partner safe until other law enforcement officers arrive.</p> <p>Domenici told me other calls prior to the officer-involved shooting that were in the back of her mind when she was dispatched to the call at Fruitvale BART Station. Prior to being dispatched to a fight on the Dublin bound train, Domenici told me that she had already heard there were two gun calls other officers had dealt with earlier (about an hour before the shooting). Domenici told me because of the other calls involving guns being recovered off suspects and fights; her main focus was "officer safety".</p> <p style="text-align: right; color: red; font-weight: bold;"> RELEASED TO: <u>SB1421</u> BY SAP J-285 CONFIDENTIAL </p> <p>This re-interview was audio taped recorded and placed into evidence at the</p>		
REPORTING OFFICER(S) T. Carter #416	RECORDING OFFICER #416	DATE / TIME PREPARED 01/08/09-1130
APPROVED BY: AF 847 1-11-09		
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		
COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> FAXED TO: _____		

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POLICE REPORT

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OAKLAND, CALIFORNIA 94607

CASE #

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01/07/09 - 0943

1. CODE SECTION(S)

243.3P.C., 148(A) (1)P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone #514

4. ADDRESS

800 Madison Street, Oakland, CA 94607

5. PHONE

510-464-6000

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Lake Merritt BART Police Facility (see Smith's supplemental).

After the re-interview with Domenici, I escorted her to the women's locker room at the Lake Merritt Police facility and retrieved the TASER Domenici wore the night of the incident.

When Domenici opened her locker, I saw the gun belt hung on the inside of the locker door with the taser secured to the front of the belt. Domenici removed the TASER from the gun belt. Domenici took the TASER from its holster and showed me the serial numbers inscribed on the top area of the TASER. The serial numbers read: X00-379746. Domenici then handed me the TASER that was secure in its holster.

I gave the TASER and holster to Detective Maes and requested that he verify whether or not the TASER was fired on the night of the shooting. Detective Maes is a TASER instructor for the BART Police Department.

Nothing further.

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REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01/08/09-1130

APPROVED BY:

AFS 471-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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POLICE REPORT

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☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/08/09-1640

1. CODE SECTION(S)

243.3P.C., 148(a)(1)P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train, Resisting an officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer T. Pirone

4. ADDRESS

800 Madison Street, Oakland, Ca 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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Detective Division Supplemental Report #3:

A. Z. [REDACTED]

On 1/08/09, I set up a meeting with A. Z. [REDACTED] to conduct six photo line-ups. A. Z. [REDACTED] was the original reporting party of the fight on the Dublin bound train at the Fruitvale BART Station on 01/01/09.

On 01/08/09 at about 1610 hours, I met A. Z. [REDACTED] at her job site and conducted the six-person photo line-ups.

I read A. Z. [REDACTED] the BART Police Photographic Line-Up Admonition and asked her if she understood it. A. Z. [REDACTED] told me she understood the admonition. A. Z. [REDACTED] then signed and dated the Admonition form.

I handed A. Z. [REDACTED] a total of six(6) six-person color photo line-ups. The photo line-ups were given to A. Z. [REDACTED] one at a time. A. Z. [REDACTED] did not recognize any person in the photo line-ups as being involved in the initial fight that she reported to the train operator.

A. Z. [REDACTED] then initialed and dated the right corner of each photo line-up.

Nothing further.

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T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01/08/09-1650

APPROVED BY:

AFS 1-11-09

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**BART POLICE DEPARTMENT
PHOTOGRAPHIC LINE-UP ADMONITION**

You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obliged to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have or have not identified someone.

Shown To:

A [REDACTED] Z [REDACTED]

Signature:

[REDACTED]

Date:

1/8/09

Time:

4:10 PM

Shown By:

T. Carter #416

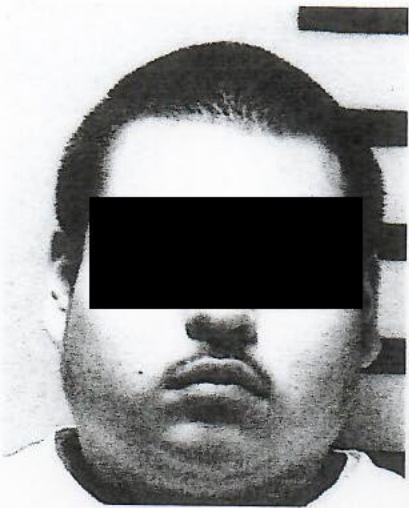
Case #:

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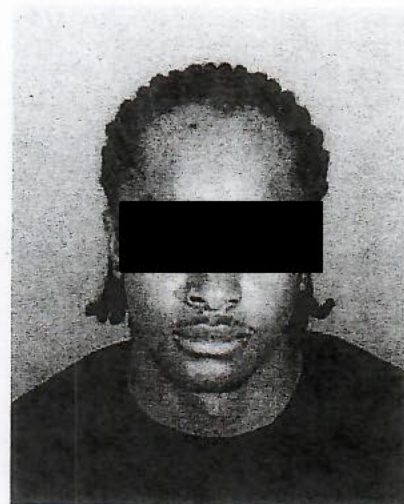
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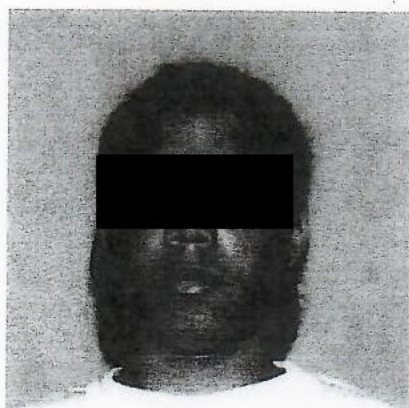
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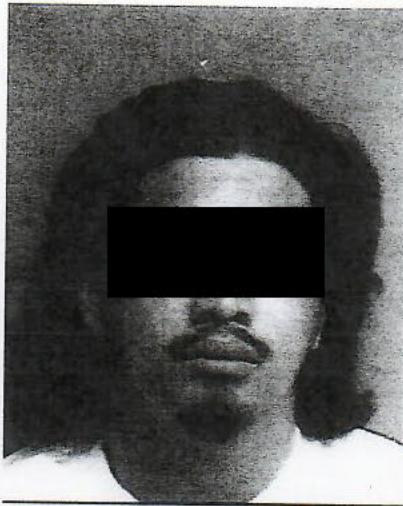
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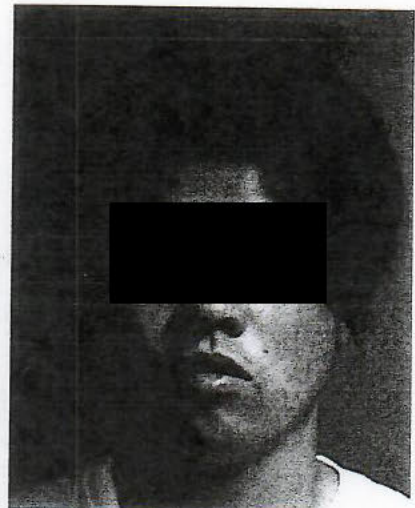
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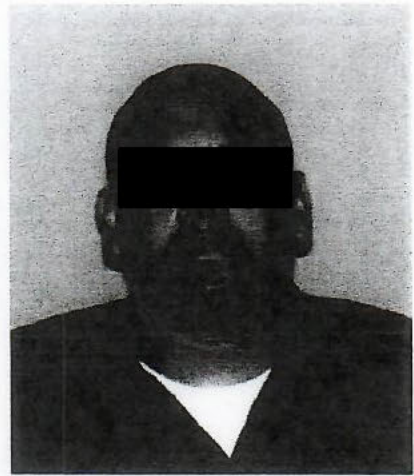
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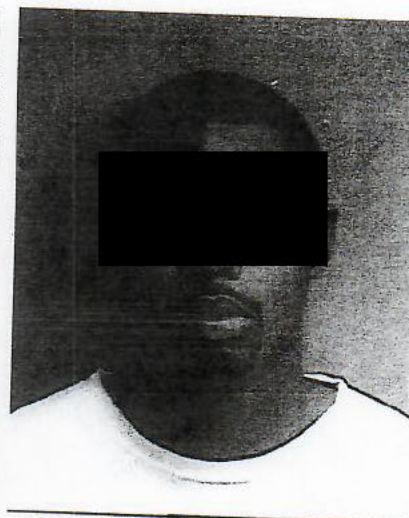
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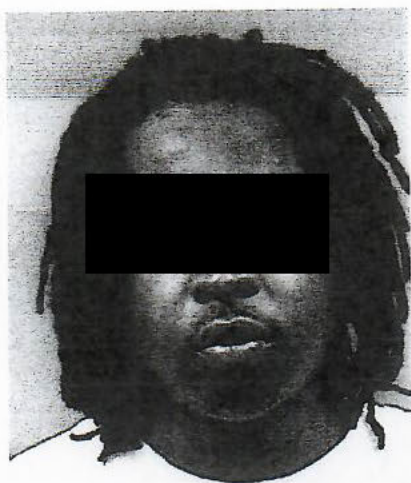
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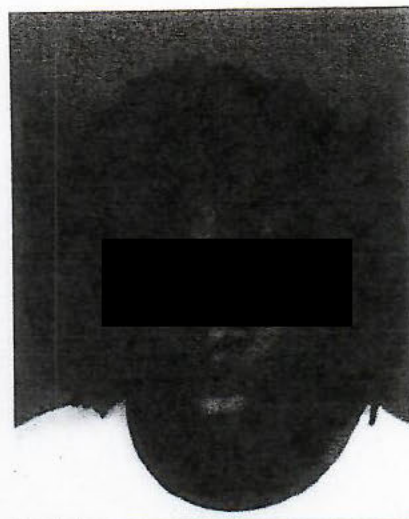
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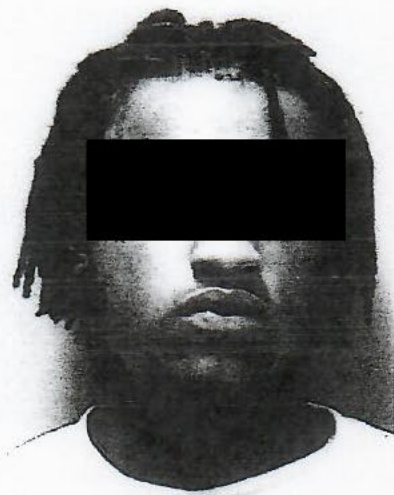
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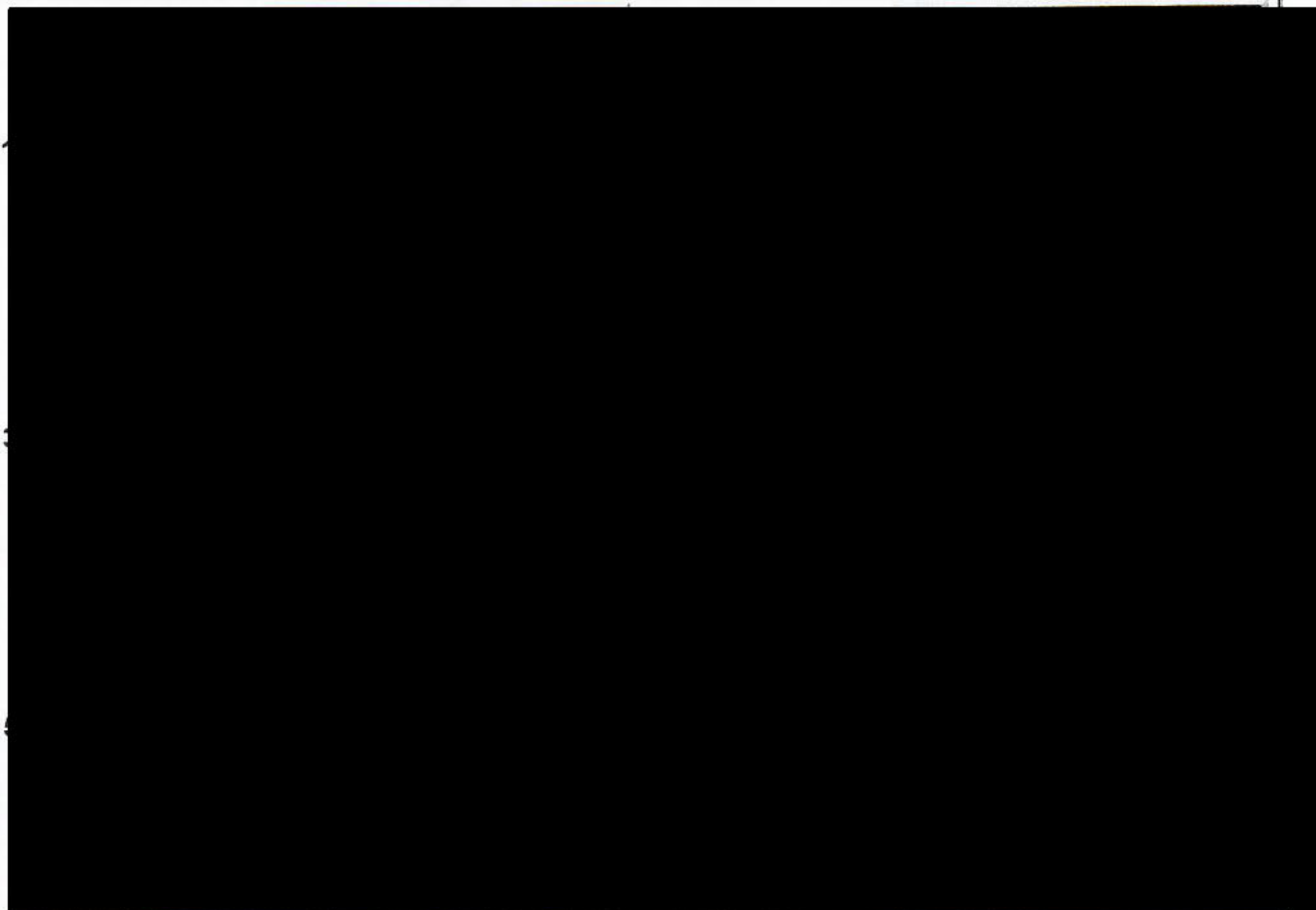
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1-8-09

CAL-PHOTO MUGSHOT LINE-UP

You have 6 images in your line-up.
The line-up holds up to 10 images. You may move image positions.

**SAVE LINE-UP TO MUGBOOK****CLEAR****LIST****HIDE INFO****SHUFFLE****MUGBOOK****HOME****HELP****LOG OFF**

Directions: Buttons to the right of an image perform functions only for that image.
Buttons near the bottom of the screen affect the entire page.

Cal-Photo Version: CP 5.2 Server: WEB03 Cdb: A

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CAL-PHOTO MUGSHOT LINE-UP

You have 6 images in your line-up.
The line-up holds up to 10 images. You may move image positions.

NOTE: Records below this line are not shown when the "Hide Info" button is pressed.

SAVE LINE-UP TO MUGBOOK

CLEAR **LIST** **HIDE INFO** **SHUFFLE**

MUGBOOK **HOME** **HELP** **LOG OFF**

Directions: Buttons to the right of an image perform functions only for that image.
Buttons near the bottom of the screen affect the entire page.

Cal-Photo Version: CP 5.2 Server: WEB02 Cdb: A

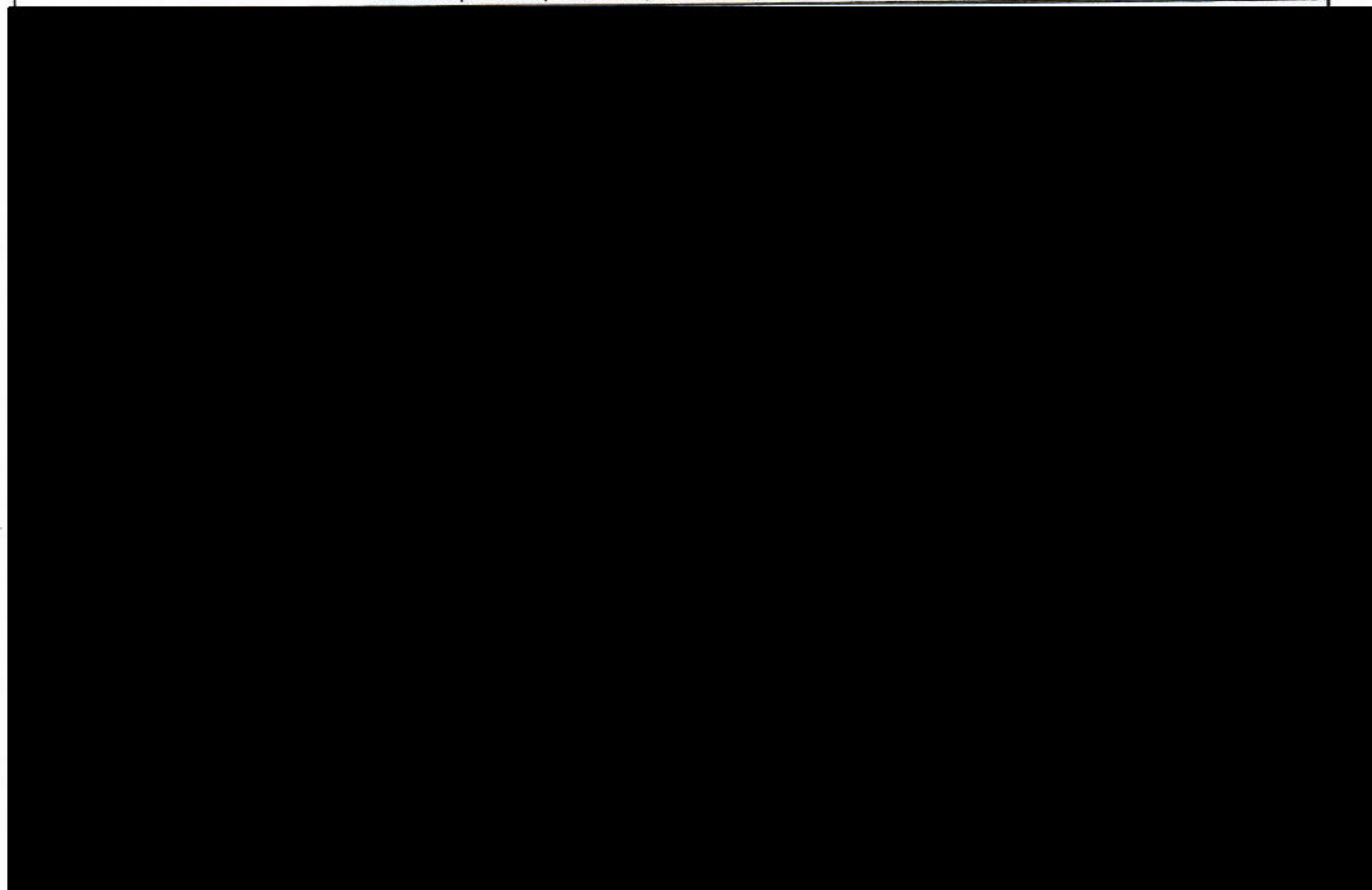
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Cal-Photo Version: CP 5.2 Server: WEB02 Cdb: A

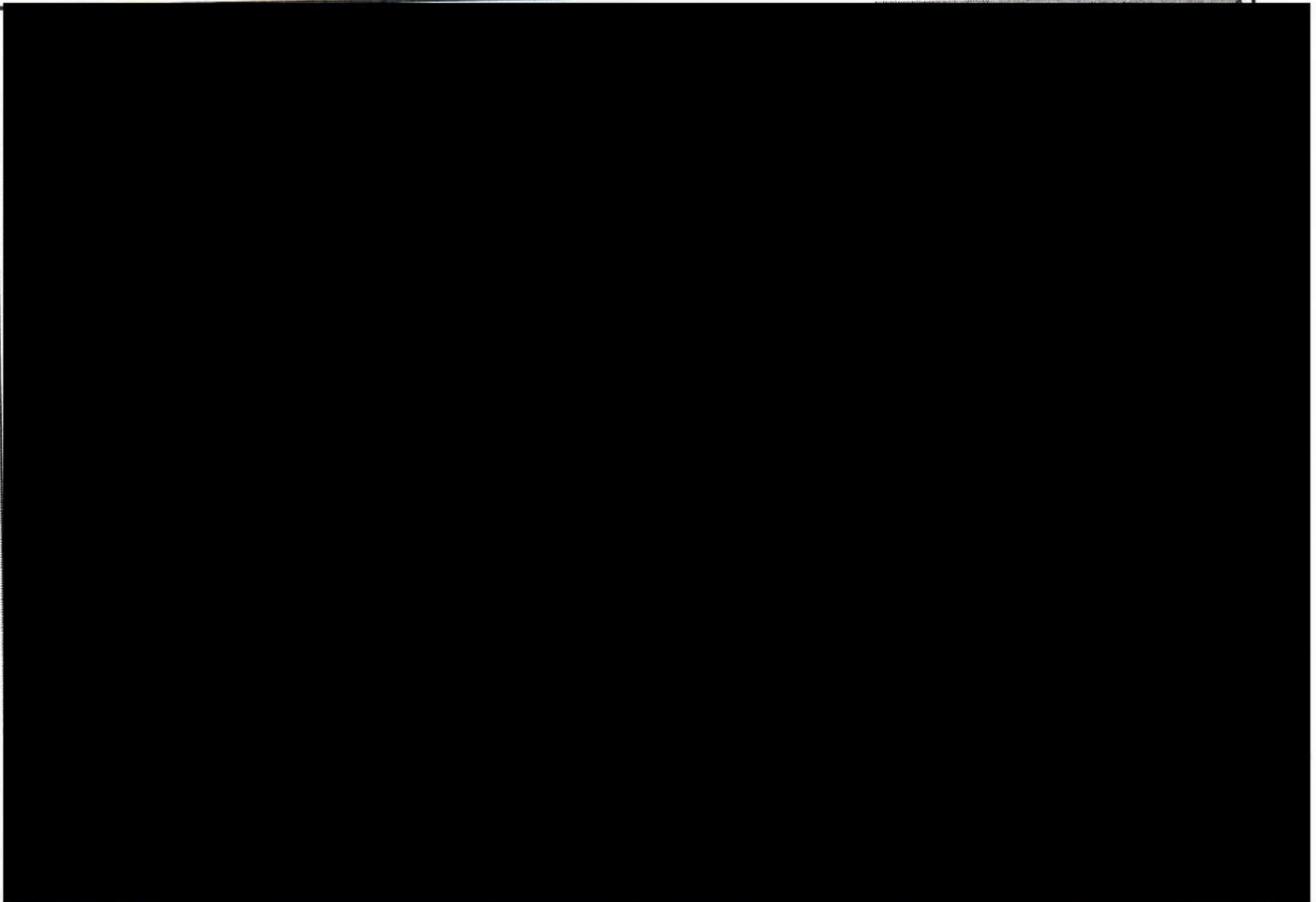
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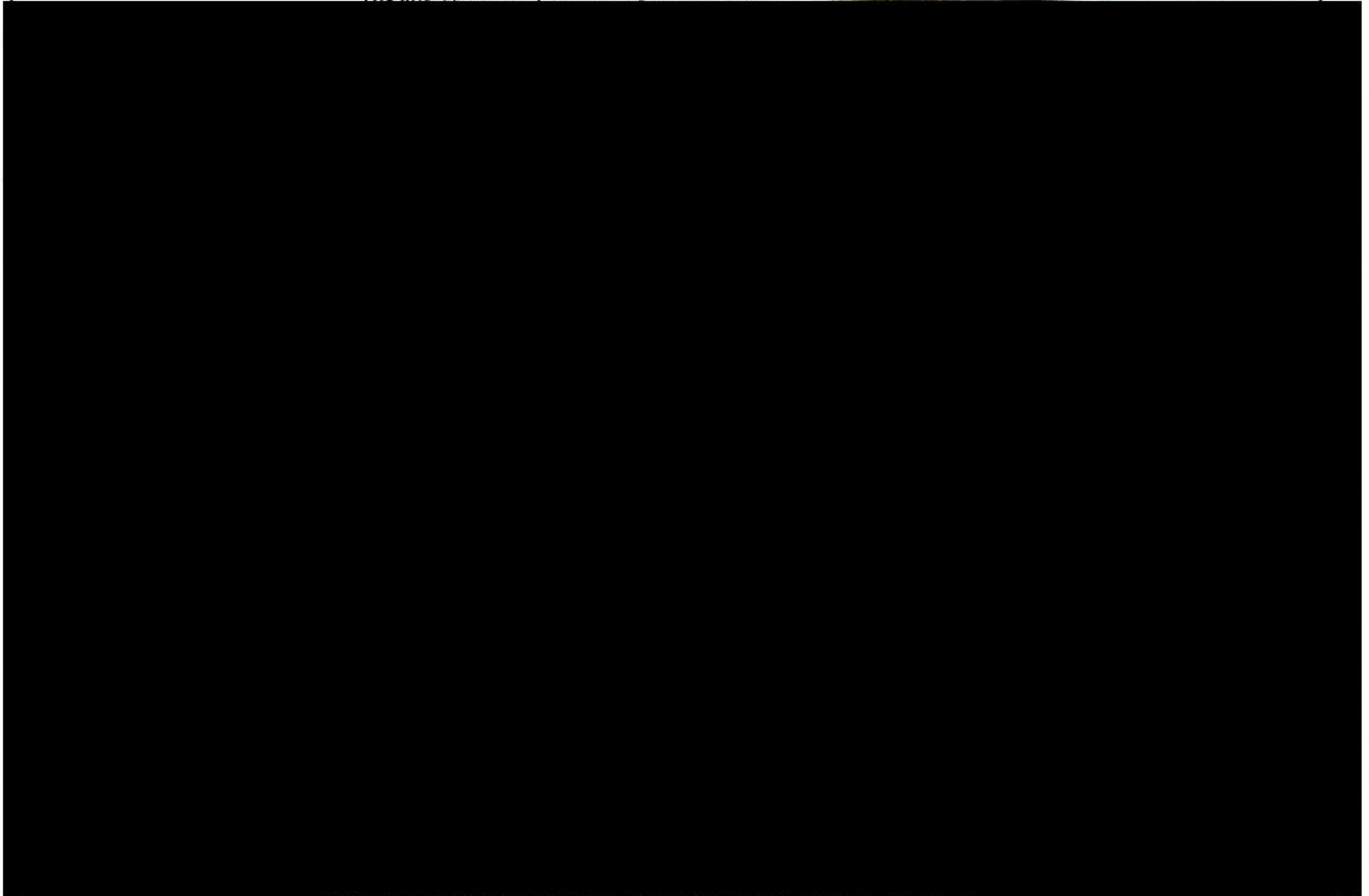
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CAL-PHOTO MUGSHOT LINE-UP

You have 6 images in your line-up.
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NOTE: Records below this line are not shown when the line-up is active.

SAVE LINE-UP TO MUGBOOK**CLEAR****LIST****HIDE INFO****SHUFFLE****MUGBOOK****HOME****HELP****LOG OFF**

Directions: Buttons to the right of an image perform functions only for that image.
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Cal-Photo Version: CP 5.2 Server: WEB01 Cdb: A

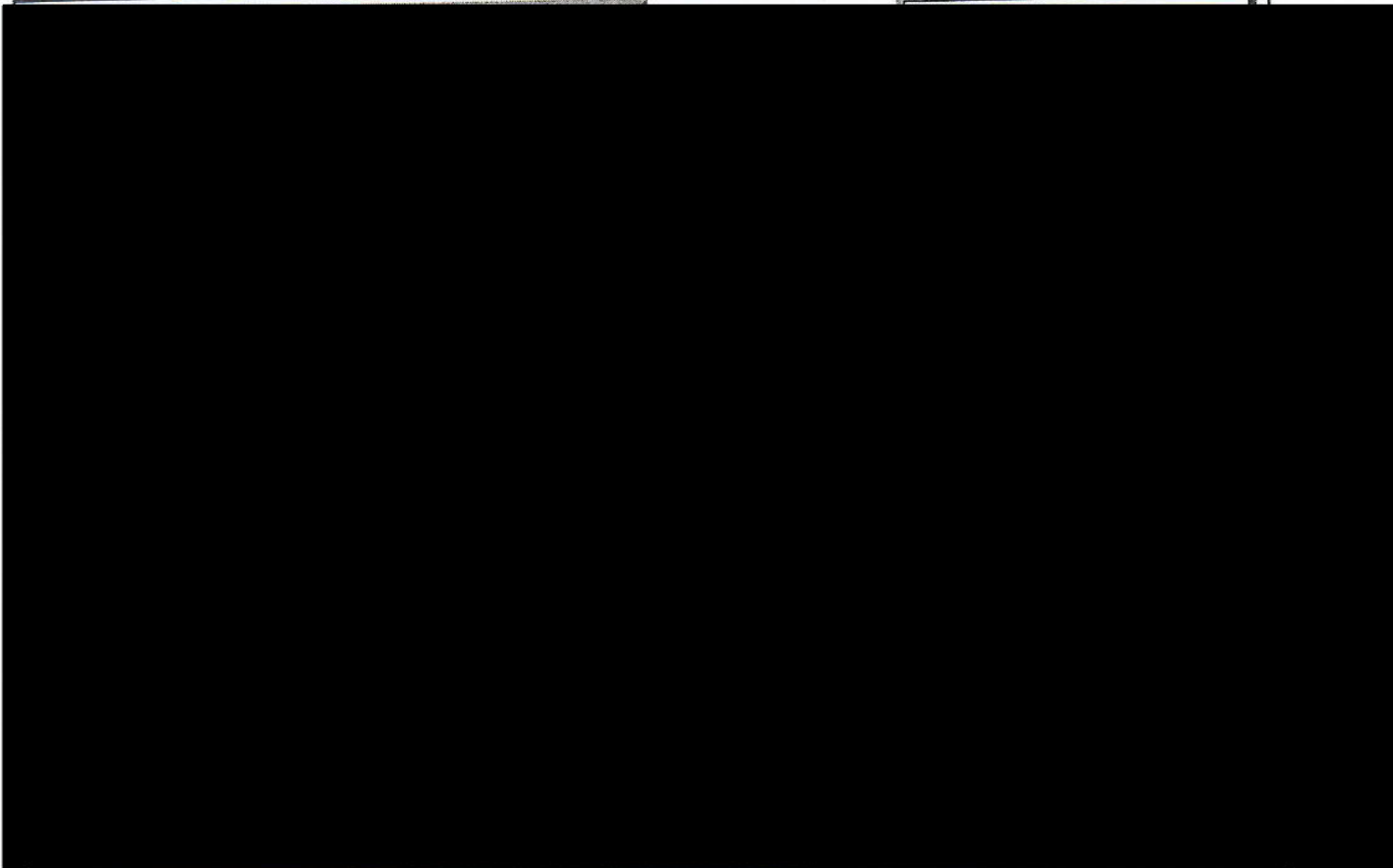
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CAL-PHOTO MUGSHOT LINE-UP

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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-09-09/1035

1. CODE SECTION(S)

242P.C., 148(a)(1)P.C.

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting an Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

T. Pirone

4. ADDRESS

800 Madison Street

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Division Supplemental Report #3:

M [REDACTED] G [REDACTED] (Detainee)

[REDACTED]

other pertinent information listed in supplement #1

J [REDACTED] V [REDACTED] C [REDACTED] (I/P)

[REDACTED]

K [REDACTED] N. V [REDACTED]

[REDACTED]

A [REDACTED] Z [REDACTED]

[REDACTED]

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REPORTING OFFICER(S)

T. Carter #416

RECORDING OFFICER

#416

DATE / TIME PREPARED

01-09-09/1035

APPROVED BY:

AF 8471-11-09

DISPOSITION:

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C [REDACTED] E [REDACTED] I [REDACTED] (witness)

Additional Information pertaining to supplement #1:

On 01/01/09 after interviewing suspects C [REDACTED] R [REDACTED], J [REDACTED] B [REDACTED] and M [REDACTED] G [REDACTED], I photographed them and placed the photographs on a CD. The CD was placed into evidence at the Lake Merritt BART Police Facility.

Photos taken:

- Photo #1: R [REDACTED] front face shot
Photo #2: R [REDACTED] left side of face
Photo #3: R [REDACTED] right side of face
Photo #4: R [REDACTED] front body shot
Photo #5: J. B [REDACTED] front face shot
Photo #6: J. B [REDACTED] left side of face
Photo #7: J. B [REDACTED] right side of face
Photo #8: J. B [REDACTED] front body shot
Photo #9: G [REDACTED] front face shot

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AFS471-11-09

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Photo #10: G [REDACTED] left side of face

Photo #11: G [REDACTED] right side of face

Photo #12: G [REDACTED] front body shot

It should be noted N [REDACTED] E [REDACTED] and F [REDACTED] A [REDACTED] photos were not taken. During the interviews, both suspects were told they were free to leave at any time. Both suspects refused to speak about the events that led up to the shooting or the incident itself. Both suspects left the interview room before photographs could be taken.

On 01/03/09, I left a message for J [REDACTED] W [REDACTED] one of the surgeons at Alameda County Highland Hospital involved with removing the bullet from Grant's body on the night of the shooting.

On 01/05/09 at 1559 hours, she left a message for me on my work phone and provided a better number [REDACTED] I have called the number W [REDACTED] provided every day requesting she return my call. I was met with negative results.

On 1/08/09, I set up a meeting with A. Z [REDACTED] to conduct six photo line-ups. A. Z [REDACTED] was the original reporting party of the fight on the Dublin bound train at the Fruitvale BART Station on 01/01/09.

On 01/08/09 at about 1610 hours, I met A. Z [REDACTED] at her job site and conducted the six-person photo line-ups.

I read A. Z [REDACTED] the BART Police Photographic Line-Up Admonition and asked her if she understood it. A. Z [REDACTED] told me she understood the admonition. A. Z [REDACTED] then signed and dated the admonition form.

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APPROVED BY:

AFS 27 1-11-09

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I handed A. Z [REDACTED] a total of six(6) six-person color photo line-ups. The photo line-ups were given to A. Z [REDACTED] one at a time. A. Z [REDACTED] did not recognize any person in the photo line-ups as being involved in the initial fight that she reported to the train operator.

A. Z [REDACTED] then initialed and dated the right corner of each photo line-up.

On 01/09/09 at about 1100 hours, I did research to find possible witnesses at the scene of the officer-involved shooting.

On 01/01/09 at 0800 hours, I interviewed Detainee M [REDACTED] G [REDACTED] in regards to this case (see supplemental #1). During the interview, G [REDACTED] told me that his friend "J [REDACTED] T [REDACTED]" was on the platform videotaping the entire incident with his camera cell phone.

G [REDACTED] told me he did not know J [REDACTED] T [REDACTED] phone number by memory and did not have his cell phone in hand to retrieve the information.

G [REDACTED] told me J [REDACTED] T [REDACTED] could be found at the [REDACTED], also known as [REDACTED].

On 01/09/09, I was able to find the correct spelling and other pertinent information in regards to J [REDACTED] C [REDACTED].

J [REDACTED] C [REDACTED] Grant and G [REDACTED] are listed together in several San Leandro Police Department reports (see scanned SLPD reports). I found C [REDACTED] phone number on the SLPD report [REDACTED]. I called the listed number and left a message on the voice mail asking his assistance with this case. C [REDACTED] is a potential witness and may have videotape

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APPROVED BY:

AFS47 1-11-09

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-09-09/1035
1. CODE SECTION(S) 242P.C., 148(a) (1) P.C.		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting an Officer		
3. VICTIM'S NAME - LAST, FIRST, M.I. T. Pirone		4. ADDRESS 800 Madison Street		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>leading up to the shooting.</p> <p>On 01/01/09, I interviewed C [REDACTED] R [REDACTED] in regards to the officer-involved shooting. R [REDACTED] told me he was with his girlfriend A [REDACTED] R [REDACTED] at the time of the incident.</p> <p>On 01/09/09, I called the number provided and discovered it was no longer in service. I also discovered that the number provided was a Metro phone with the listed owner as "D [REDACTED] M [REDACTED]".</p> <p>On 01/09/09, I saw a KTVU video tape regarding the shooting. The video tape was provided by K [REDACTED] V [REDACTED]. V [REDACTED] name was displayed on KTVU News.</p> <p>I ran a check on V [REDACTED] to obtain her pertinent information. V [REDACTED] is a potential witness that should be interviewed if possible.</p> <p>The phone number listed on V [REDACTED] records is not in service.</p> <p>I called "B [REDACTED] W [REDACTED]" four times throughout this investigation and made a plea for him to assist with the investigation. B [REDACTED] W [REDACTED] initially called the BART Criminal Investigations Unit after the shooting and told me he had video tape of the incident.</p> <p>W [REDACTED] has not shown up with a copy of the tape. All four times I have spoken to W [REDACTED], W [REDACTED] told me he would call me back after work or after "1 p.m." to set up a meet. My last call on 01/10/09 went to an answering machine. I left a message for him to return my call. I was met with negative results.</p>				
REPORTING OFFICER(S) T. Carter #416		RECORDING OFFICER #416	DATE / TIME PREPARED 01-09-09/1035	APPROVED BY: AFS471-11-09
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POLICE REPORT

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On 1/10/09 at 1457 hours I met with witness T [REDACTED] to conduct six photo line-ups. I read T [REDACTED] the BART Police Photo Admonition Form. T [REDACTED] told me he understood and signed and dated the form.

I showed T [REDACTED] a total of six six-person photo line-ups. Photos are randomly chosen by Cal Photo. Each line-up contained one of the subjects detained on the night of the shooting.

T [REDACTED] was unable to positively identify anyone in the photos.

T [REDACTED] then initialed and dated the right corner of the line-ups.

I then gave T [REDACTED] a copy of a statement that I had written in reference to the phone interview we conducted on 1/3/09.

T [REDACTED] clarified that the first three initial subjects detained by Officer Pirone were walking towards the rear of the BART train, headed south in the direction of San Francisco. T [REDACTED] believed the subjects were headed towards the exit since there was no exit at the front. **FEB 23 2019**

T [REDACTED] clarified the following point: T [REDACTED] saw three other subjects walk into his train car: the person the officer pulled off, the person with the red hat with an "A" written on it and another male subject. However, T [REDACTED] told me the officer (Pirone) only physically pulled off one male subject from his train. The male with the red hat voluntarily jumped off the train at a later time during the incident. T [REDACTED] told me he noticed the third male was not in his train and assumed he had walked through the train consist. The third male was physically pulled off the train by Pirone from the train car south of T [REDACTED] train car.

REPORTING OFFICER(S)

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T █████ told me he believed that subject the officer (Pirone) pulled off the train behind them (Y end) was most likely the same person T █████ believed walked into his train car.

For clarification, T █████ told me the subject who was never detained by Pirone walked off T █████ train car and went towards the right and out of T █████ view. He later came back into T █████ view and it appeared that he was taping the incident on the platform with his camera phone.

For clarification, T █████ told me Pirone had three subjects against the wall who were never taken off the train. Then Pirone took a subject off the train behind T █████ train car. Then Pirone took the subject off the T █████ train car. T █████ believed the person Pirone took off his train was Oscar Grant because he saw Grant's picture on the news. T █████ said the subject had a baggy black jacket and a light colored shirt.

T █████ told me the car behind him was going towards San Francisco.

T █████ believes he was in the 3rd train car.

T █████ told me the person detained on the farthest right side against the wall seemed to be cooperative. And the other two people, especially the one in the middle who was brought over, did most of the talking.

T █████ then initialed each of the pages (#23-29)

T █████ had no additional information.

on 01/10/09 at 1530 hours, I met with witness C █████ L █████ in regards to this case. L █████ and her husband, M █████ T █████ were together on the

REPORTING OFFICER(S) T. Carter #416	RECORDING OFFICER #416	DATE / TIME PREPARED 01-09-09/1035	APPROVED BY: AF S471-11-09
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<p>incident train on the night of the officer-involved shooting.</p> <p>I met with with L [REDACTED] in the large conference room at the Lake Merritt BART Police Facility. In essence, L [REDACTED] told me the following: L [REDACTED] and T [REDACTED] were on the Dublin bound train in (she believes) the third car from the lead.</p> <p>L [REDACTED] told me she was standing at the entrance/exit doors closest to the San Francisco end (Y-end).</p> <p>L [REDACTED] told me she boarded the Dublin bound train at the Embarcadero BART Station. L [REDACTED] told me when the train pulled into the Fruitvale BART Station she heard a commotion in the train car in front of hers. Since she was by the exit doors, she looked out onto the platform and saw a group of about ten Hispanic young adult males and at least one Hispanic female yelling into the BART train. L [REDACTED] believed they were arguing with somebody. The unknown Hispanic female subject "ended" the conversation by pointing her finger and yelling at somebody on the train. The group then walked south (towards San Francisco direction). It appeared to L [REDACTED] that they were walking towards the exit.</p> <p>L [REDACTED] then saw about five Black males off board the same train the yelling was coming from and walk in a south bound direction. L [REDACTED] believed they were walking south on the platform to exit the platform.</p> <p>L [REDACTED] then saw two male subjects from the second group walk into her train car. L [REDACTED] told me that the two males kind of "slid" into her train car. L [REDACTED] did not see what they looked like.</p> <p>L [REDACTED] told me shortly after, she heard a male voice yelling very loudly</p>					
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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-09-09/1035	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242P.C., 148(a) (1) P.C.		Battery, Resisting an Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
T. Pirone		800 Madison Street		510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>train. Don't make me get on the train to get you".</p> <p>I [REDACTED] believed one of the subjects walked off the train. I [REDACTED] told me that the other subject refused to get off the train. I [REDACTED] told me the officer (Pirone) then came aboard the train car and grabbed the subject by the neck and pulled him off the train in an aggressive manner. The officer (Pirone) then pushed the subject against the wall.</p> <p>I [REDACTED] said the subjects being detained by the wall were upset and giving the female officer "lip".</p> <p>I [REDACTED] could see the female officer (Domenici) yelling at the subjects on the wall.</p> <p>I [REDACTED] told me after Pirone threw the subject against the wall, the other subjects who were already detained, stood up. I [REDACTED] told me she heard Domenici tell the subjects repeatedly, "Sit down. Sit down".</p> <p>I [REDACTED] told me after the officer (Pirone) threw the subject against the wall she heard people on the train saying things like, "Hey, hey what the fuck?"</p> <p style="text-align: right; color: red; font-weight: bold;">FEB 23 2019</p> <p>People were also yelling, "Hey, that's unnecessary. What kind of justice is that?" Liang told me there was a lot of commotion from the people on her train and she could tell the people in her train car were upset.</p> <p>At some point, Pirone went back to the original group he had detained and told the female officer (Domenici), "He's getting arrested and he's getting arrested" while pointing at the subjects. I [REDACTED] does not know which subjects Pirone was pointing to but then Pirone grabbed someone and</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Carter #416		#416		01-09-09/1035	
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> FAXED TO: _____			
		APPROVED BY:		AFS471-11-09	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-09-09/1035
1. CODE SECTION(S) 242P.C., 148(a) (1) P.C.		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting an Officer		
3. VICTIM'S NAME - LAST, FIRST, M.I. T. Pirone		4. ADDRESS 800 Madison Street		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>pulled him down. I [REDACTED] told me it was the person who eventually died (Grant).</p> <p>I [REDACTED] told me she did notice any other people on the platform except the officers and the people being detained.</p> <p>I [REDACTED] told me the at that point her train car started to get "rowdy". People started taking out their cell phones to video tape or take pictures of the incident.</p> <p>I [REDACTED] told me the train doors were trying to close but an unknown male forced the doors open and possibly stepped off the train.</p> <p>I [REDACTED] noticed another officer arrived on the platform and it appeared they were trying to put handcuffs on the subjects.</p> <p>I [REDACTED] told me she saw the guy who eventually passed away (Grant) on the ground face down and she heard a "pop".</p> <p>I [REDACTED] told me she saw the back of the "crew cut guy" (Pirone) and another male officer who was facing her direction. I [REDACTED] believed the officer who was faced in the direction of her train had a worried expression on his face like, "Oh my gosh. Oh my gosh".</p> <p>I [REDACTED] told me about 15 or 20 seconds after the "pop" noise, the train left the platform.</p> <p>I [REDACTED] did not see anyone with his or her gun drawn. I [REDACTED] did notice that officers had TASERS because she noticed the yellow color. Liang told me Pirone and Domenici carried TASERS.</p>				
REPORTING OFFICER(S) T. Carter #416		RECORDING OFFICER #416	DATE / TIME PREPARED 01-09-09/1035	APPROVED BY: AFS471-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

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FEB 23 2019

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-09-09/1035
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<p>L [REDACTED] did not see anyone get handcuffed.</p> <p>At the time of the incident I [REDACTED] believed the guy with the "crew cut" (Pirone) was the officer who fired the shot.</p> <p>I [REDACTED] told me she did not have any alcoholic beverage prior to the incident.</p> <p>I [REDACTED] told me she does wear contact lenses and had them on at the time of the shooting.</p> <p>I [REDACTED] told me her train car was crowded but did not see or hear any fights in her train car.</p> <p>I [REDACTED] told me she could not identify any of the subjects detained on the platform.</p> <p>I then conducted six six-person photo line-ups with L [REDACTED]. I read L [REDACTED] the BART Photo Line-Up Admonition. I [REDACTED] told me she understood the admonition and signed the form.</p> <p>I then showed L [REDACTED] six six-person photo line-ups, one at a time. I [REDACTED] could not identify any of the subjects in the photo line-ups. I [REDACTED] initialed and dated the bottom right side corner of the photo line-up sheets.</p> <p>L [REDACTED] did not have any other information.</p> <p>On 01/11/09, I ran a check of Oscar Grant's girlfriend, "S [REDACTED]" through prior Hayward police reports. I found S [REDACTED] M [REDACTED] in Hayward P.D.</p>				
REPORTING OFFICER(S) T. Carter #416		RECORDING OFFICER #416	DATE / TIME PREPARED 01-09-09/1035	APPROVED BY: AFS 217 1-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-09-09/1035	
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<p>police report [REDACTED]. M [REDACTED] was listed as Grant's girlfriend in a 415P.C. domestic disturbance report. In Hayward P.D. report [REDACTED], I found a cell phone number listed for M [REDACTED] as [REDACTED]. This information was given to Detective J. Enriquez for follow-up.</p> <p>Nothing further.</p>					
<div style="color: red; transform: rotate(-10deg); font-weight: bold;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
REPORTING OFFICER(S) T. Carter #416		RECORDING OFFICER #416		DATE / TIME PREPARED 01-09-09/1035	
APPROVED BY: S4712F 1-11-09					
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			



**BART POLICE DEPARTMENT
PHOTOGRAPHIC LINE-UP ADMONITION**

You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obliged to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have or have not identified someone.

Shown To:

M [REDACTED] T [REDACTED] [REDACTED]

Signature:

[REDACTED]

Date:

1/10/09

Time:

Det. T. Carter #416 1457hrs

Shown By:

Det. T. Carter #416

Case #:

0901-0027

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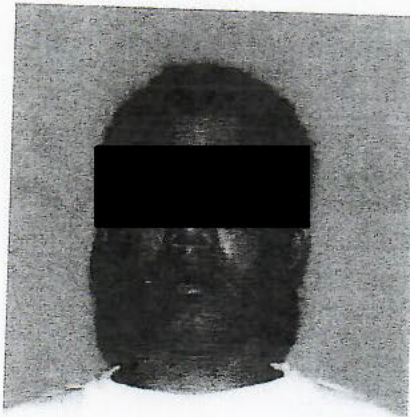
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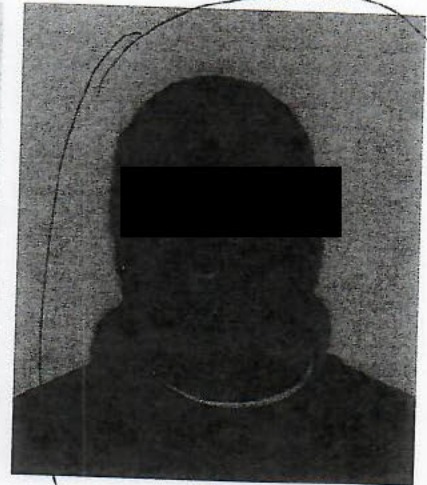
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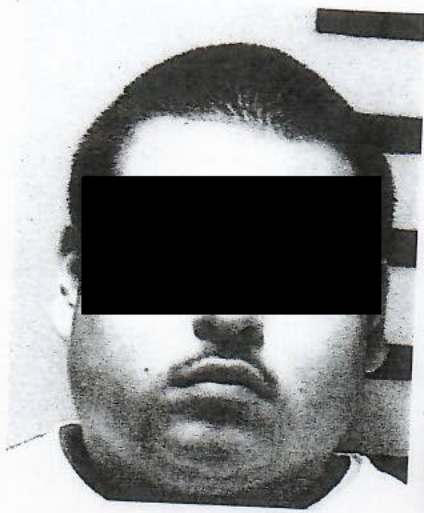
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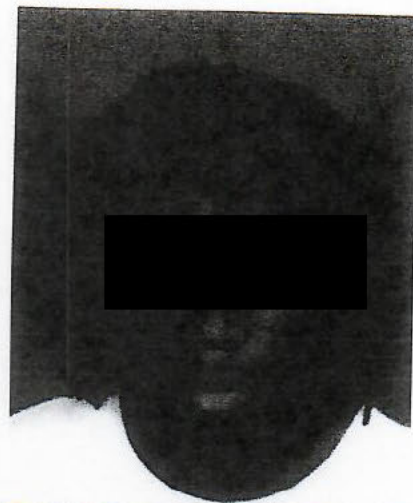
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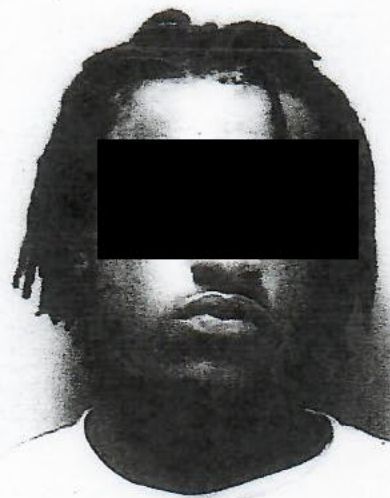
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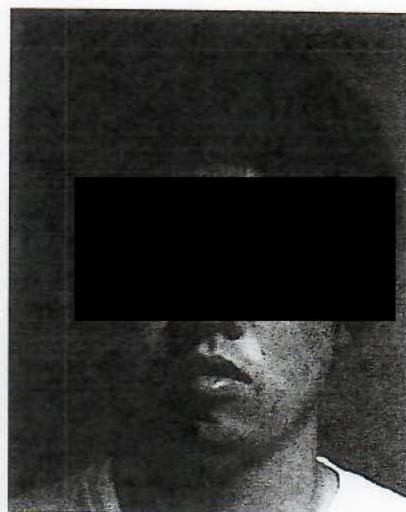
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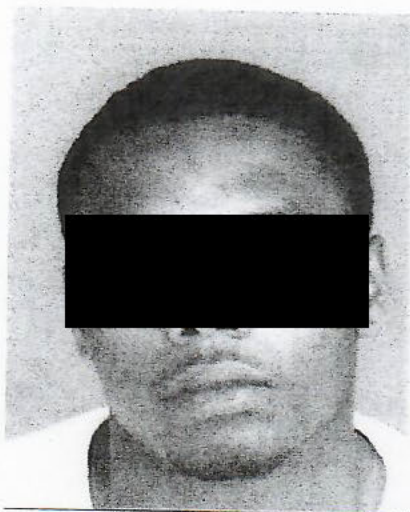
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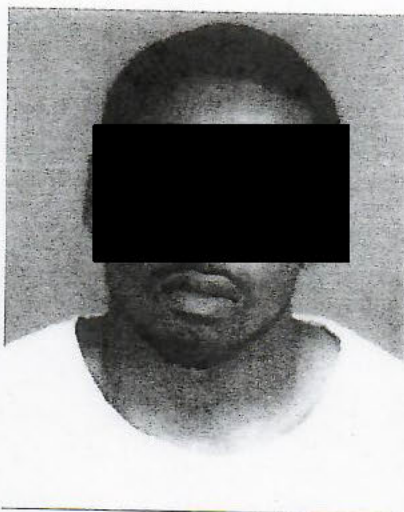
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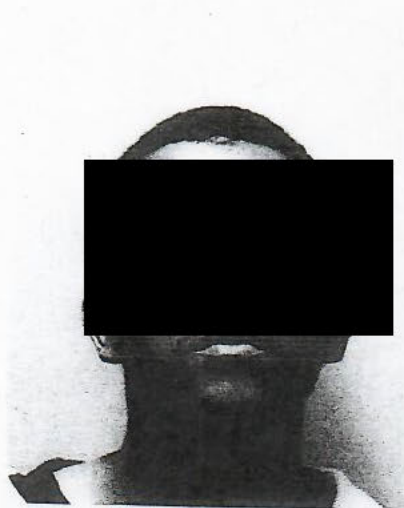
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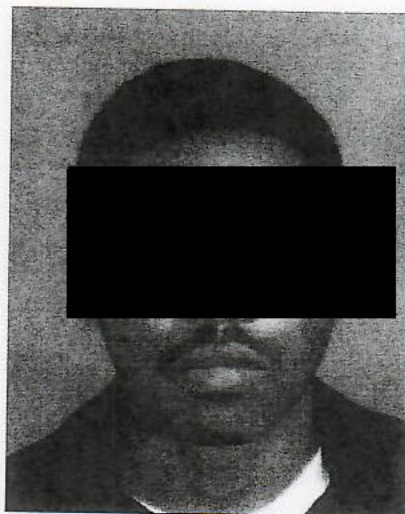
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1/10/09



**BART POLICE DEPARTMENT
PHOTOGRAPHIC LINE-UP ADMONITION**

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innocent persons from suspicion as to identify guilty
parties. Please do not discuss the case with other
witnesses nor indicate in any way that you have or have
not identified someone.**

Shown To:

Signature:

Date:

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Case #:

1/10/09

1540

Det. T-Carter

0901-002

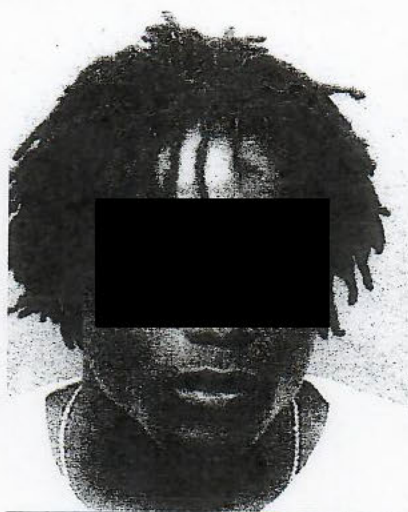
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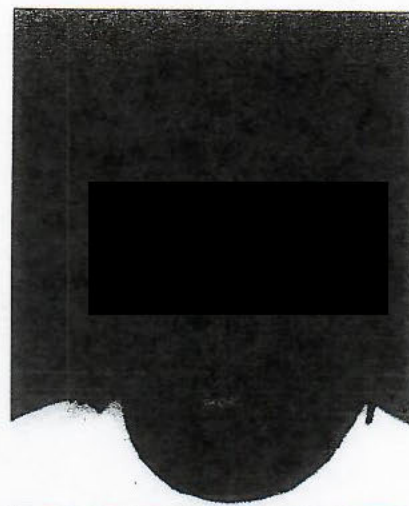
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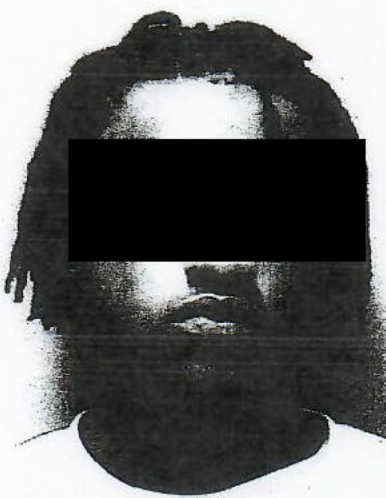
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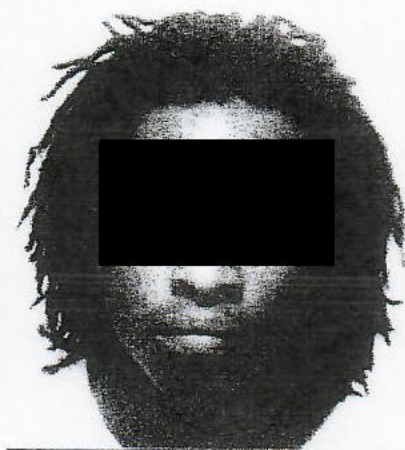
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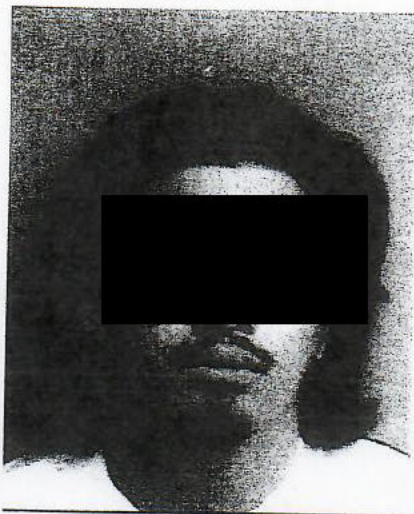
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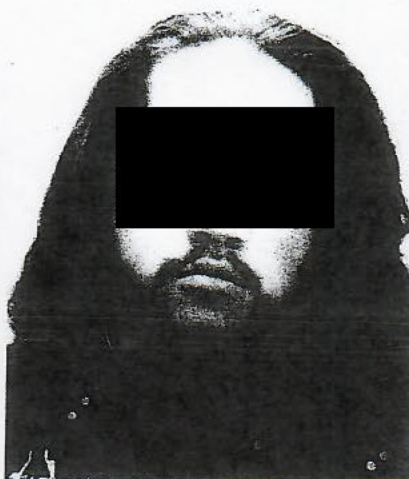
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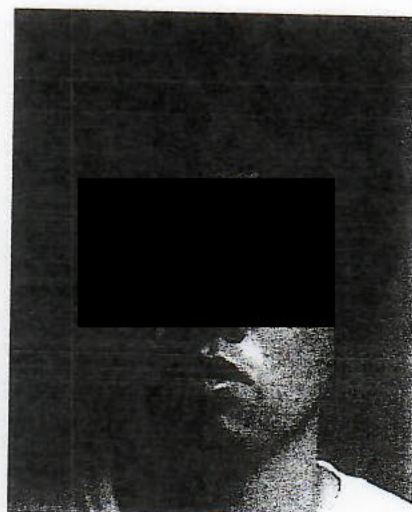
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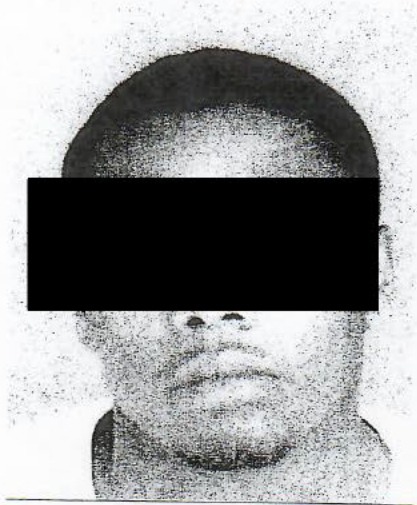


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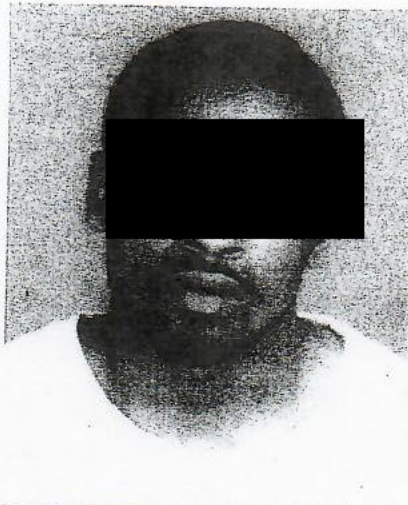
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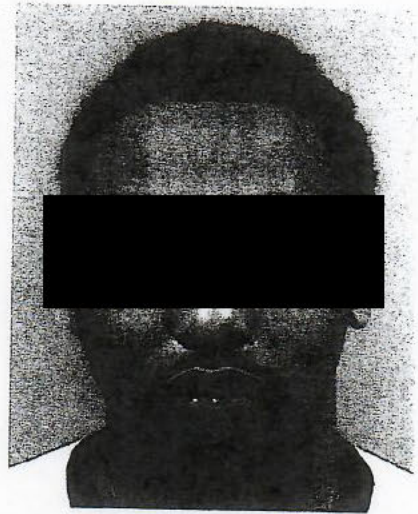
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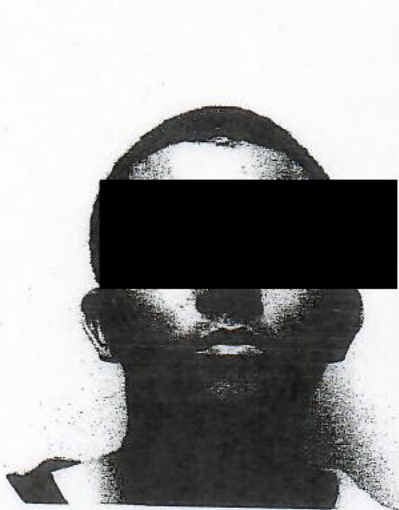
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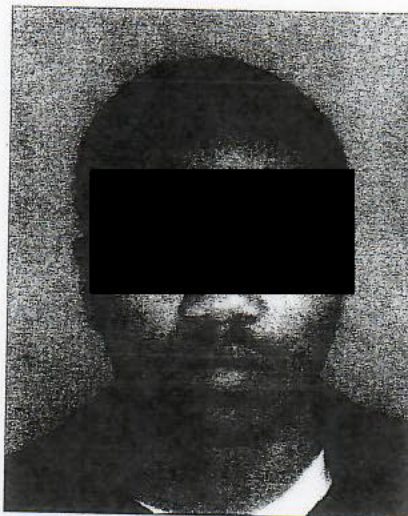
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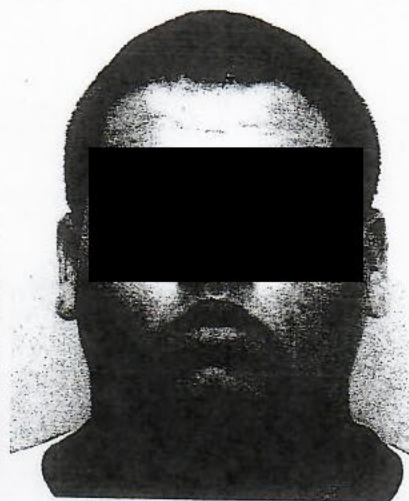
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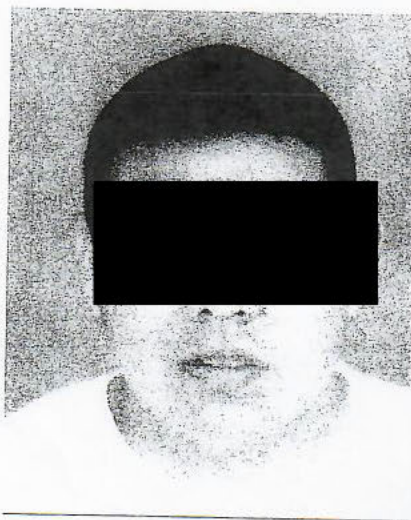
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Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT.

SECTOR

CASE SUMMARY

NARRATIVE

On 01/01/09 at about 0214 hrs, Officer N. Moore #562 and I responded to the Fruitvale BART station regarding a report of a gunshot wound victim.

Upon arrival, I was tasked with closing and clearing the station of all patrons. Shortly after, Sgt Togonon S-49 asked me to ride with the gunshot wound victim, later identified as Oscar Grant, to Highland Hospital. During the ride to the hospital, paramedic personnel provided medical attention to Grant. Paramedic personnel did not make any statements significant to this incident. Grant was not responsive and did not make any statements. Upon arrival at Highland Hospital, medical personnel continued to provide medical attention. While at the hospital, I did not hear Grant make any statements.

At approximately 0500 hrs, I was relieved from Highland Hospital by Officer D. Reese and Officer G. Narcisse.

I did not take any further action.

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ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

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☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

B. Cruz 57327

DATE/TIME

01/08/2009 11:55

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/10/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 1

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Assigned to Highland Hospital for a patrol watch detail of a subject who was injured after jumping off of the West Oakland platform (reference 0901-0014). Prior to assuming my post, I traveled to Highland with FTO D. Reese 472 & Ofc. G. Narcisse 564.

NARRATIVE

On 1-01-2009, at about 0500 hours, I was in full BART police uniform preparing to start my shift as I was advised by Sgt. J. Ledford (S-37) that I was to assume a security detail at Highland Hospital. Sgt. J. Ledford assigned me to relieve Officer Guanzon #517 who had been standing by with a subject later identified as C [REDACTED] D [REDACTED] D [REDACTED] had received major injuries to his lower and back extremities after jumping off of the West Oakland BART station platform and onto the street. For further information of this incident, please refer to case 0901-0014.

I traveled to Highland Hospital with Officer G. Narcisse #564 and FTO D. Reese #472 via in a marked BART PD police vehicle. We were to relieve Officers B. Cruz #423 and F. Guanzon #517 who were already at the hospital.

Upon our arrival, I relieved Ofc. Guanzon and assumed my post (to stand by next to D [REDACTED] treatment area) in the 4th Floor Emergency Room at about 0510 hours. FTO Reese and Ofc. Narcisse traveled to the Intensive Care Unit (ICU) Department to relieve Ofc. B. Cruz in guard duty of a subject named Oscar Grant.

Prior to assuming my post, Ofc. Guanzon advised me that I was to stand guard over D [REDACTED] until notified or directed by a Supervisor for further orders. I was later ordered by Detective Mike Maes #420 to take photographs of D [REDACTED] I traveled back to FTO Reese and Ofc. Narcisse's location on the ICU Department to obtain a camera from FTO Reese. After receiving the digital camera from FTO Reese, I traveled back to the ER and took photographs of D [REDACTED] which were later booked into evidence.

While on the ICU Department, I did not come into contact with Oscar Grant, Grant's family members or friends and hospital staff.

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ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

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BY OFFICER

H. Enerio 060458

DATE/TIME

01/10/2009 11:23

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/10/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242PC/148 (a) (1) PC/OIS	2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting-Obstructing/Officer involved Shooting	
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony	4. ADDRESS 800 Madison Street Oakland CA 94601	5. PHONE 510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Supplement:

Written by Detective Joel Enriquez BART PD #456

Officer Involved:

Johannes Mehserle #544

Witness Officers:

Anthony Pirone #514

Marysol Domenici #496

Jonathan Guerra #508

Emery Knudtson #533

Suspects:

Oscar Grant (Deceased)

C [REDACTED] R [REDACTED]

N [REDACTED] B [REDACTED]

F [REDACTED] A [REDACTED]

M [REDACTED] G [REDACTED]

J [REDACTED] E [REDACTED]

Witnesses Interviewed:

D [REDACTED] F [REDACTED]

D [REDACTED] and J [REDACTED] F [REDACTED]

Scanned Documents:

Crime scene log

BPD Roster

Pirone's Diagram

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S) J. Enriquez #456	RECORDING OFFICER #456	DATE / TIME PREPARED 01-05-09/1700	APPROVED BY: AFS-171-7-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: IA/DA <input type="checkbox"/> FAXED TO:	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
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Pirone, Anthony		800 Madison Street Oakland CA 94601		510-464-6000	
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<p>Narrative:</p> <p>It should be noted that I have a working relationship with all officers involved with this incident.</p> <p>On 01-01-2009, at about 0200 hours, I was on uniformed patrol working in the Berkeley Area. I was also the on-call detective. I heard Officer Pirone respond to a fight on train at the Fruitvale BART Station. After several minutes, I heard Pirone request a Code 3 Medical response for a gunshot victim. He requested that the station be closed, command level supervisors and detectives to respond. I responded to the Fruitvale BART Station to investigate a shooting.</p> <p>On arrival, I noticed a subject (later identified) Oscar Grant being loaded onto an ambulance. There was a lot of commotion inside of the station. Several subjects were in handcuffs and being escorted out of the station. Some of the subjects were yelling at officers. The staircases, escalator and elevator (to platform 1) were sealed off as part of the crime scene. When the commotion ceased, I entered the crime scene and spoke with Pirone (who I believed was most knowledgeable officer). He asked me if I wanted to interview him. I told Pirone that I wanted him to tell me what he knew. Pirone told me, "I was as close as you could get to without pulling the trigger."</p> <p>Pirone told me in summary that he came up the stairs when he saw five people and two females arguing. Two subjects jumped back onto the train. He approached the group with his taser out and ordered them to get against the wall. Officer Domenici arrived. Pirone told her to watch the three detained subjects while he got the other two subjects off the train. Pirone was interrupted by Sergeant Alvarez who told me not to ask Pirone</p>					
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J. Enriquez #456		#456		01-05-09/1700	
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<p>anymore questions. Alvarez advised me that Pirone needed to go to the Lake Merritt Police Facility to be interviewed. Alvarez told me that this was a crime scene and that the only persons authorized to be on the platform were evidence technicians. Alvarez told me that all involved parties needed to be interviewed at Lake Merritt. At that point, Pirone told me that this was an officer involved shooting.</p> <p>I asked for additional Detectives to assist with the interviews at Lake Merritt. I asked CSO Potter #J296 to search for train and station videos.</p> <p>I spoke with Officer Domenici on platform 1 at the Fruitvale BART Station. Domenici pointed out to me the area the shooting occurred. She told me that the suspect (later identified as Grant) was lying down in a prone position with his head pointing true north. Domenici told me that Mehserle was standing by his feet. She told me that the slug was still inside of Grant's shoulder. Domenici told me Grant did not have a weapon that she knew of. She pointed out a cell phone to me that was lying on the ground. She stated that one of the suspects threw the phone at her. She began to tell me an overview of the incident. In summary, Domenici told me she responded to a 242PC(Battery) on the train. Pirone off-boarded three subjects. The subjects were "hyped up" (I understood this as agitated). She had the three subjects sit down. Pirone attempted to off board another subject who was uncooperative. The other three were also uncooperative. They had to be handcuffed. The Asian male started yelling and got other people on the train agitated. She called for more units. The Asian male threw the phone toward her direction but did not hit her. She was unsure if the phone hit the other officers. Domenici had her taser out and pointed it at people telling them to get back on the train. She said, "people were just coming at us." She was dealing with the other people on the train. The other officers were struggling with a</p>				
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER #456	DATE / TIME PREPARED 01-05-09/1700	APPROVED BY: AF S47 1-7-09
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Pirone, Anthony	800 Madison Street Oakland CA 94601	510-464-6000		
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<p>subject away from her and out of her view. The three originally detained males became verbally hostile and argumentative. While she was dealing with the crowd, she heard the noise and turned around. Domenici stated that everyone was getting crazy agitated on the train. The officers forced people back on the train. People on the train were taking pictures. The train left the station. Domenici told me that the train had not been canvassed for witnesses.</p> <p>I asked for officers south of Fruitvale to canvass the train and stations for witnesses via dispatch. Alvarez told me that the District Attorney's Office had been notified. Dispatch advised that Lieutenant Forte #L12 was talking to witnesses (possibly T [REDACTED] C [REDACTED]) at the Bayfare Station.</p> <p>Alvarez told me that upon his arrival at the scene, he did not know this incident was an officer-involved shooting. He noticed that Officer Guerra was applying pressure to Grant's back with a bandage. Alvarez asked Pirone why Grant was in handcuffs. Pirone told Alvarez that they were all involved. Alvarez then removed Mehserle from the scene to be transported to Lake Merritt Police Facility for interview and testing.</p> <p>At about 0324 hours, Officer K. Smith #381 handed me a SanDisk Memory Stick Duo 1.0 GB. Smith told me that this memory stick was taken from witness T [REDACTED] C [REDACTED] who videotaped the shooting. The memory stick was taken from C [REDACTED] by Lieutenant Forte #L12. Forte gave Smith the memory stick and gave it to me. I kept the memory stick for examination and evidence. See K.Smith's supplement.</p>				
<p>FEB 23 2019</p> <p>RELEASED TO: 581421</p> <p>BY SAP J-265</p> <p>CONFIDENTIAL</p>				
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<p>At about 0325 hours, Alameda County District Attorney Inspector Frank Moschetti and Alameda County Deputy District Attorney Krum arrived on scene. We received our walk through from Alvarez. The district attorneys and I examined the scene then proceeded to the Lake Merritt Police Facility for interviews.</p> <p>I met with BART CSO Potter (assigned to BART videos) at my office located at the Lake Merritt Police Facility. He loaded the Fruitvale Station video onto my work computer for review. He told me that he will copy it onto a CD and submit the FVS Station video into evidence. Potter told me he downloaded the video from BART Communications.</p> <p>I viewed the video which showed a quad-screen view of various camera angles in the station. The screen on the top left appears to be from a camera mounted on the south side of platform one. It captures footage primarily from the middle of the platform 1 and north. There is no sound associated with the video. The video showed in summary a train pulling in to platform 1 from the north. Pirone arrived on scene and moves out of camera view. After several moments, Domenici ran south down platform 1. She disappeared from the camera view. After several moments, Pirone is seen as he walked south north along the yellow safety strip. Pirone stopped in front of a train car window and pointed what appears to be a taser into the window. He put the taser to his side and escorted a subject (possibly Grant) out of the train car.</p> <p>After several moments, three subjects are seen and appeared to be verbally hostile toward the officers (who are out of camera view). After several moments, Mehserle and Woffinden arrived and are seen running down the platform toward the officers. The crowd on the platform grew with people off-boarding the train to watch. The three agitated subjects</p>				
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POLICE REPORT

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☐ NARRATIVE CONTINUATION
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BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

CASE #

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DATE / TIME OF SUPPLEMENT

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Battery/Resisting-Obstructing/Officer involved Shooting

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Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94601

5. PHONE

510-464-6000

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walked back and forth in and out of camera view. They appeared to be watching an incident just out of camera view. One subject later identified as A [REDACTED] raised his left arm in a throwing motion toward the officers. Officer Guerra arrived on scene and disappeared from camera view. The group repeatedly approached the activity again raising their hands. Officers Flores and Knudtson are seen as they ran south on the platform toward the incident and out of camera view. There is a struggle between an officer (later identified as Knudtson) and a subject later identified as A [REDACTED] at the bottom of the screen. After several seconds, the remaining subjects along with the numerous people on the platform reacted to something. The platform was cleared and every boarded the train. It should be noted that all responding officers appeared to be wearing full police uniforms.

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58142

I was able to view the video contents of the SanDisk (retrieved from K. Smith) with the assistance of Lieutenant Franklin #111. The video was taken from a home video camera from inside of a crowded train car. In summary, the video started off with Officers Pirone, Guerra and Mehserle standing in front of the detained subjects. These subjects were seated on the ground and against the platform wall. The names of the detained subjects were (from left to right) R [REDACTED], G [REDACTED], B [REDACTED] and A [REDACTED] (all later identified). Grant stood up and Officer Pirone ordered him to the ground. Pirone pushed Grant back down to a seated position and appeared to be pressing Grant against the wall with his legs. B [REDACTED] stood up and the camera moved. You could hear people on the train yelling at the officers saying, "Ay! That's fucked up!" After several moments of camera movement, the camera steadied on the incident. B [REDACTED] is seen in a kneeling position and appeared to be getting handcuffed by Mehserle and Guerra. Meanwhile, Grant was in the kneeling position unhandcuffed and

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J. Enriquez #456

RECORDING OFFICER

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AFS 471-7-09

DISPOSITION:

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<p>appeared to be arguing with Pirone. Pirone was standing over Grant and yelled at Grant to, "Sit the fuck down!" Mehserle grabbed for Grant's left hand. Grant lay down and rolled over on his back. There appeared to be a struggle for Grant's hands. Mehserle was bent over Grant and he appeared to be struggling. Pirone put his knee on Grant's head. Somehow Grant rolled over onto his stomach and appeared to have his hands under his body and near his front waist.</p> <p>Mehserle used both arms to pull at Grant's right arm without success. Mehserle looked at his duty pistol, drew it with his right hand and pointed it at Grant. Pirone had his hands on Grant's shoulder area. Mehserle stood up as Pirone stepped away from Grant. Simultaneously, a loud bang is heard and Grant's hands are positioned near the small of his back. The crowd reacted stating, "That's fucked up! He just shot him!" The train doors closed. End of first clip.</p> <p>There were two other short video clips. The video appears to have been taken from inside of the train car. Shortly after the first clip ended, the second clip began. The video showed a verbal confrontation between F [REDACTED] J [REDACTED] B [REDACTED] and Pirone. All three were standing up. The background noise was the crowd yelling at the officers. Grant is seen rolling to his side. Mehserle grabbed Grant's arm and the door closed. There was more yelling noise from inside of the train. End of second clip.</p> <p>The last clip showed Mehserle kneeling over a handcuffed Grant. Mehserle appeared to be applying pressure to the gunshot wound. End of third clip.</p>					
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<p>At about 0610 hours, Detectives Carter and Smith interviewed Grant's companions. See Carter's investigative supplement for details of interviews.</p> <p>At about 0845 hours, I was advised that Mehserle would not give a statement without first looking at the amateur video. I consulted with DA Inspector Moschetti and DA Krum. It was decided to allow Mehserle and his attorney to watch the video.</p> <p>At about 0925 hours, I conducted an interview with Mehserle in the Lake Merritt small conference room. Mehserle's attorney advised me that he would invoke his Miranda rights. The interview ended.</p> <p>At about 1003 hours, Detective McNack #460 and I interviewed Pirone in the Lake Merritt small conference room. Please refer to McNack's supplement for details. At the end of the interview, I had Pirone look at a diagram of the Fruitvale platform (later labeled A). He recognized the diagram as the Fruitvale platform. I showed Pirone a printout of a closer view of the scene (later labeled B). Pirone recognized the area was a closer view of the scene. I had Pirone mark the on Diagram B where he believed each person was located during the shooting. The following is the legend for this diagram:</p> <p>P -Pirone M -Mehserle G -Guerra S1 -Grant S2 -Unknown suspect (possibly G [REDACTED]) S3 -Unknown suspect S4 -Unknown suspect S5 -Unknown suspect</p>					
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<div style="color: red; font-weight: bold; text-align: center;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					

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<p>Pirone could not recall exactly where Guerra, Domenici, Woffinden, Knudtson and Flores were standing during the shooting. See McNack's supplement for details of Pirone's first interview.</p> <p>End of shift.</p> <p>Friday 1-2-2009</p> <p>I was advised by Potter that there was no train video. Potter told me that he physically inspected each train car listed on the incident train and did not find any video.</p> <p>I viewed a CD copy of the photos containing images of the uniformed officers. Mehserle had a pistol on his right side and his TASER positioned on his left side position in a manner that would require a right-handed cross draw. All the officers were wearing full police uniforms. Grant had no other prior BART PD contacts. I also reviewed photos of the slug removed from Grant. A CD copy of the photos was provided to me by Officer Narcisse #564.</p> <p>I reviewed the supplements written by witnessing Officers Guerra, Knudtson, Woffinden and Flores.</p> <p>In summary, the officers responded to a dispatched call of a fight at the Fruitvale BART Station. The report was a fight on board a train. On arrival, Pirone had detained 4-5 subjects. Some of these subjects were not restrained and they were uncooperative. The crowd became unruly and the scene became intense. The detained subjects seemed to be inciting the</p>					
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1. CODE SECTION(S) 242PC/148 (a) (1) PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting-Obstructing/Officer involved Shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94601		5. PHONE 510-464-6000	
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<p>crowd. Officers were unable to control the crowd as they taunted the officers. At one point a subject in the crowd threw a cell phone at the officers. Officers displayed TASERS to keep the angry crowd away. Pirone pointed at two subjects (one later identified as Grant) and told the other officers that Grant was under arrest for resisting arrest. Woffinden heard Pirone and Mehserle yelling orders at the subjects they were dealing with. Several moments later the officers heard a pop. Guerra stated that he heard someone say, "OH Shit!" Guerra turned around and saw Grant laying prone on his stomach and Mehserle standing nearby with his gun drawn. The officers managed to keep the angry crowd back as first aid was provided to Grant. Prior to the shooting, the officers described the detainees as uncooperative and combative. The officers described the scene as chaotic and hostile.</p> <p>See supplemental reports from Guerra, Woffinden, Knudtson and Flores for additional details.</p> <p>Detective T. Smith gave me a CD containing an audio interview with Officer Domenici. The interview took place on 1-1-2009 at about 0848 hours and she was interviewed by Detective Carter and Detective Smith. In summary, Domenici stated that she was working with Pirone as her beat partner. They responded to a report of a fight on a train holding on a Fruitvale platform. She assisted Pirone with several uncooperative subjects. The subjects did not comply with Domenici's orders. Domenici observed several intoxicated people coming off the train. She stated, "They kept coming at you. They were coming around us." She said the situation was 'scary'. She heard a pop sound. She heard people on the train say, "He got shot!" The crowd was out of control. Domenici watched as Guerra applied pressure to a gauze pad on the black male. See Smith's supplement for details of the Domenici interview.</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 01-05-09/1700	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS471-709 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: IA/DA <input type="checkbox"/> FAXED TO:	

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

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01-01-2009/0200

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Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94601

5. PHONE

510-464-6000

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Witness interview:

D [REDACTED] F [REDACTED] (DOB: [REDACTED])

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On 1-2-2009, at about 0953 hours, I received a phone call from witness D [REDACTED] F [REDACTED]. He told me in summary he was sitting near the window and he saw the shooting occur through the window from about 10-15 away. F [REDACTED] stated that the officer (possibly Pirone) pulled the last detainee (possibly G [REDACTED]) off his train car. Pirone did not shoot the deceased. He stated that Pirone agitated the situation. F [REDACTED] did not notice a fight on his train car. He stated that there could have been a fight because one of the detained subjects came through the interior train doors into his car. He stated that the officer yelled for him to get out of the car and the suspect did not do anything. Pirone grabbed him and pulled him out of the car. The officers were shouting people down on the platform. F [REDACTED] stated that 5-6 people were detained. He stated that the deceased (Grant) may have been sitting down then got up. Grant was brought to the ground by officers on to his belly.

Pirone had his knee on Grant's neck and head. F [REDACTED] stated that Grant had his hands behind his back possibly in handcuffs. F [REDACTED] stated that Grant had his hands behind his back and not moving for about 40-60 seconds. F [REDACTED] was unsure the handcuffs were metal or plastic. He stated that Grant did not resist. F [REDACTED] stated everyone was yelling before the shooting (officers, Grant, detainees and a subject with a camera). After the shot went off, Pirone got off Grant. The shooting officer (Mehserle)

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J. Enriquez #456

RECORDING OFFICER

#456

DATE / TIME PREPARED

01-05-09/1700

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<p>said something to Pirone. Grant screamed, convulsed and was still. F [REDACTED] did not see the officers give medical-aid to Grant. People were screaming and shouting after the shot. F [REDACTED] stated that before the shooting, the inside of the train car was intense because of the people screaming. The screaming got worse after the shooting.</p> <p>Autopsy:</p> <p>On 1-2-2009, at about 0900 hours, Maes and Evidence Technician John Young #486 attended Grant's autopsy. Maes met with Pathologist Dr. R [REDACTED]. Young took photos of Grant's body and wounds. He later submitted the photos into evidence and gave me a copy for review. The photos show Grant naked on a metal table. There is a hole just off center (to the left) of Grant's back. There is also a hole in Grant's right breast. See Maes' supplement for autopsy details.</p> <p>Witness Interviews:</p> <p>D [REDACTED] and J [REDACTED] F [REDACTED]</p> <div style="background-color: black; width: 200px; height: 80px; margin-top: 10px;"></div> <p>At about 1659 hours, I received a call from witness D [REDACTED] F [REDACTED] (referred to in this report as D [REDACTED]). In summary she told me that she watched a concert in San Francisco and was returning home with her family (T [REDACTED] W [REDACTED] J [REDACTED] and B [REDACTED]) via BART. She had not been drinking nor had anyone else in their family. She has good eye sight. She did not notice a fight on the train. D [REDACTED] stated that an officer (possibly</p>				
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER #456	DATE / TIME PREPARED 01-05-09/1700	APPROVED BY: AFS47 1-7-09
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Pirone) grabbed a black male in his 20's off the train. Pirone was by himself. Pirone said, "I asked you nicely" before he grabbed the male. D█████ stated that the train car was crowded (some people had to stand). D█████ stated that prior to the incident, the crowd on the train was calm and good natured. Some people had been drinking. She said Pirone was agitated. She did not see anyone on the platform except for two males sitting against the wall with their hands up. They were not speaking and looked frightened. She did not see the shooting and could not recall what the deceased (Grant) looked like. D█████ heard the shot. Prior to the shot she heard 'two big clusters of yelling' from the people on the train. They were yelling, "Stop that! That's fucked up! Leave them alone!" The crowd was watching what happened and they were upset. Whatever the people were seeing was distressing. Before the shot she saw Grant prone. D█████ could not see Grant's hands. She did not see any weapons on Grant. She saw an officer with a gun drawn. The officer had his gun out for between 30-60 seconds. D█████ did not know the difference between a gun and a TASER. She did know for sure if the officer was holding a gun. She did not see anything after shot because her husband made her sit down. Her husband J█████ F█████ (I refer to him as J█████ in this report) wanted to tell me that nobody in his family had been drinking. J█████ stated that sometime after Pirone pulled the subject off the train the crowd reacted stating, "That's fucked up!" People started pulling out their cell phones and taking pictures. J█████ thought that the officers were beating somebody outside but was not sure. J█████ could only tell me about the reaction inside of the train.

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1-3-2009

I reviewed Mehserle's work history consisting of his past contacts which resulted in his use-of-force. Mehserle has shown restraint in regards to his use-of-force. For example, Mehserle arrested an armed robbery suspect by deploying his TASER. Although Mehserle was justified to display his firearm to affect an arrest, he used a lesser means to complete the arrest.

End of Shift.

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1-4-2009

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On 1-4-2009, at about 0630 hours, Sergeant A. Fueng and I conducted a walk-through/follow up interview with Pirone at the Fruitvale BART Station. Pirone's attorney, BART Police Lieutenants Alkire and Lucarelli and BART PD Detectives Smith, McNack and Maes were also present for the walk-through. Pirone's attorney requested that the walkthrough not be video taped or audio recorded. Maes took notes of the walk through and interview. Pirone described with more detail his recollection of the shooting incident. In this follow up interview, Pirone stated that after the shooting, Mehserle pulled Pirone aside and said, "Tony, I thought he was going for a gun." Pirone stated that when Grant rolled over and exposed his front he noticed what appeared to be a silver dollar in the hole on Grant's chest. Pirone recognized the object to be a fired bullet. See Maes supplement for details.

While on scene, I checked the platform and did not locate any obvious divots in the ground caused by the slug.

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Taser Training information:

Maes provided me a supplemental report with Mehserle's TASER training information. The serial number of Mehserle's TASER was #X00-422063. Mehserle attended TASER training on 12-14-2008. It should be noted that Mehserle (on the day of the incident) had his pistol on his right side (right handed) and his TASER on the front of his left on his left side positioned in a manner that would require a right-handed cross draw.

Dispatch Recording:

T. Smith provided me with a CD copy of the dispatch audio recording. I reviewed the audio. In summary the audio shows BART Central advising BART PD Dispatch of a fight which was reported by the train operator. The fight was getting bad according to the train operator. The suspects were 4 black males wearing black. Central relayed from the train operator that the officers are struggling. Pirone released the train then broadcasted "Charlie 10, send more units to Fruitvale!" Yelling can be heard as background noise as officers on scene broadcasted on their portable radios. Officers broadcasted that there was a crowd gathering. Officers yelled into the radio over the noise of the yelling in the background. Guerra and Pirone asked for a 'Code 3' medical response for a gunshot victim. Officers screamed into the radio for a medical response and a train release.

The BART PD Criminal Investigations Section has received numerous witness statements. Many of these statements were taken by phone and recorded. See detective supplements for details.

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At this point in the investigation, it is unclear whether Mehserle intended to shoot Grant with his TASER or his duty pistol. The amateur video showed a struggle between Mehserle and Grant (who was under arrest for resisting). Mehserle told Pirone initially that he was going to tase Grant. Mehserle pulled on Grant's right hand with both of his (Mehserle) hands in order to place him under arrest. Mehserle was unsuccessful. Overall, the scene was chaotic. There were people on the platform advancing toward the officers as they yelled profanities. The other officers on scene stood outnumbered as a uniformed barrier between the angry crowd and the struggling officers. The officers were outnumbered as the crowd got louder. On the video, just after the shot sounded, it appeared as though Grant's hands were behind his back. After the shooting, Pirone told investigators that Mehserle pulled him aside and said, "Tony, I thought he was going for a gun." This is a preliminary investigation with more follow up to be conducted.

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Investigative Report

Monday, 01-05-2009:

At about 1305 hours, Detective McNack conducted a phone interview with witness [REDACTED]. See McNack's supplement for details.

At about 1430 hours, the Investigations Unit and I met with DA Investigator Moschetti and DDA Creighton. Creighton requested Mehserle's training records. BART PD Internal Affairs Sergeant Chlebowski #S55 advised me that he would get the records for the DA's Office.

At about 1421 hours, Detective Maes and Detective McNack interviewed Officer Knudtson. See Maes' supplement.

At about 1532 hours, Detective Smith and Detective Carter re-interviewed Officer Flores. See Smith's supplement.

At about 1608 hours, Detectives McNack and Detective Maes interviewed Officer Guerra. See McNack's supplement.

At about 1625 hours, Officer Slivinsky #429 examined Mehserle's duty pistol and conducted a safety inspection. Slivinsky stated that the weapon can only be fired when pulling the trigger completely to the rear. See Slivinsky's attached memorandum.

At about 1815 hours, Detective Power re-interviewed witness K [REDACTED]. K [REDACTED] described the officers as 'out of control'. She also stated that during the struggle, Grant's hands were near his waistband. See Power's supplemental.

End of shift.

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Tuesday, 01-06-2009:

At about 0830 hours, I was made aware of new homemade video footage that was broadcasted on KTVU. I went to the website and reviewed the footage. The video appears to have been taken from inside a train car. Throughout the video, another digital camera is seen and was held by a patron on the train. At the end of the video, the train door closed and the reflection of the person holding the digital camera is seen. The person holding the camera appeared to be witness T [REDACTED] C [REDACTED]. I believe the person taking this video was next to witness C [REDACTED] C [REDACTED] also took a homemade video and this video was provided to BART PD.

In summary, the video showed two officers (Mehserle and Guerra) standing over four suspects (later identified as R [REDACTED] G [REDACTED] J [REDACTED] B [REDACTED] and N [REDACTED] B [REDACTED]). In this report, I will refer to J [REDACTED] B [REDACTED] as 'J [REDACTED]' and N [REDACTED] B [REDACTED] as 'N [REDACTED]'. G [REDACTED] was handcuffed and seated several feet south of the main group. Grant appeared to be talking on a cell phone and then stood up. He was forced to a seated position by Pirone. As this happened, J [REDACTED] stood up and there was a brief struggle between Mehserle and J [REDACTED]. After the struggle, Mehserle appeared to have reholstered a TASER. J [REDACTED] got handcuffed by Mehserle and Guerra.

Grant was on his knees and appeared to be arguing with Pirone. After several seconds, Mehserle grabbed Grant's left arm and then they struggled. Mehserle ended up on top of Grant and Pirone positioned himself at Grant's head. After more struggling, Grant moved into a prone position. Mehserle pulled on Grant's right arm with both of his (Mehserle's) hands. Grant's hands appeared to be underneath his body. Mehserle looked at his pistol and drew it from his holster. Mehserle had his gun out and Grant's hands appeared underneath Grant's body. As Pirone started to stand and step back, a pop is heard. Mehserle stood over Grant with his gun in his hand. At this point, Grant's right hand appeared to be behind his back.

REPORTING OFFICER(S)

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Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94601

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Mehserle looked at Pirone and reholstered his pistol. Mehserle touched his head with both of his hands and hunched over Grant. Grant started to roll to his side when Mehserle grabbed one arm and placed Grant in handcuffs. J [REDACTED] and R [REDACTED] both stood up. Pirone stepped in front of J [REDACTED] and R [REDACTED]. Officer Flores walked past Grant and pointed his TASER at G [REDACTED]. The train doors closed and C [REDACTED] reflection appears in the train car glass. I later attempted to view the same video footage on the KTVU website and noticed a similar version with some editing.

At about 0850 hours, Detective Maes contacted KTVU news to request a copy of the unedited video footage for review and evidence. Maes was advised that he would get a call back from the station manager. Maes was unsuccessful in getting the unedited version from KTVU. DA Investigator Moschetti later offered his assistance in getting a court order to obtain all the unedited video footage from KTVU for review and evidence.

I reviewed the station video of the Lake Merritt BART Station platform. The video showed a Dublin bound train entering and exiting the station. I viewed this video attempting to locate any signs of a fight. This was the same incident train that later arrived at Fruitvale with a reported fight on board. This video was given to me by CSO Potter. There appeared to be no significant video footage (i.e. fight on the platform or train).

I reviewed the cellphone video footage that was on the KTVU website. This video also has audio of the incident. The video appears to have been captured from an elevated position inside of the train car and is very poor quality. There is noise and commotion inside of the train car. The sound from the exterior of the train car cannot be heard. It showed Grant in a kneeling position in front of Officer Pirone. Grant appeared to be talking. Officer Mehserle grabbed Grant's left arm and Grant moved to the ground. Pirone appeared to have his knee on Grant's head. There was a brief struggle for Grant's right arm between Grant and Mehserle. The video skipped to the point where Mehserle pulled on Grant's right arm with both of his (Mehserle's) arms. There was more of a struggle between Mehserle and Grant. Pirone switched positions (now facing south). Pirone

REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

456

DATE / TIME PREPARED

1-11-2009/1233

APPROVED BY:

AFS 471-12-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: DA/IA/Legal/FBI☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200

1. CODE SECTION(S)

242PC/148 (a) (1) PC/OIS

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting-Obstructing/Officer-Involved-Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

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crouched over Grant. Simultaneously, Mehserle stood up and drew his duty pistol. Pirone started to stand as the shot is heard. Mehserle reholstered and put his hands toward his head. End of video clip. It should be noted that this video appears to have been edited.

I reviewed the video footage provided to the media by witness V [REDACTED]. I will refer to this video as the V [REDACTED] video. I viewed the video on the 'YouTube' website. The internet address was http://www.youtube.com/watch?v=s_K0PISpxx4. I recognized this to be the same footage that was given to the media (and played on KTVU). There is also sound associated with the V [REDACTED] video. The person taking the video appeared to be near a train car door, north of the incident. The video quality is poor.

The video started off with Officer Domenici (wearing a police uniform) standing in front of four detained subjects. The detainees are later identified as (from left to right) R [REDACTED], Grant, J [REDACTED] and N [REDACTED]. Pirone was in the background and appeared to be placing handcuffs on a detainee later identified as G [REDACTED]. There is a voice in the background that makes reference to a 'chick cop'. I believe the voice in the video is witness V [REDACTED]. R [REDACTED], Grant and J [REDACTED] were standing. N [REDACTED] was sitting. Domenici pushed J [REDACTED] back toward the wall. The crowd appeared to have reacted to something.

Three males begin walking quickly from the area of the camera toward the officers. One of the subjects was later identified as witness A [REDACTED]. The two other subjects were not identified. Pirone stood in front of the detainees next to Domenici. Officers Mehserle and Woffinden ran past the camera. The camera went dark and yelling can be heard. There was a lot of video movement. You could hear voices say, "This is bullshit nigga! Fake ass BART police nigga! Get out of there! Get on the train! Use that right hook! TASER!" It sounded as though people near the camera were telling the detainees to get back on the train.

A [REDACTED] and the two unidentified subjects quickly approached the

REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

456

DATE / TIME PREPARED

1-11-2009/1233

APPROVED BY:

AFS47 1-12-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: DA/IA/Legal/FBI☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1>POLICE REPORT</h1> <p>BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
1. CODE SECTION(S) 242PC/148 (a) (1) PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting-Obstructing/Officer-Involved-Shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94601		5. PHONE 510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>officers. Domenici and Woffinden stood between the approaching subjects and Pirone (who was with Guerra). A person in the crowd said, "Get their badge numbers!" Mehserle appeared to be placing handcuffs on a J [REDACTED] Pirone was standing. Mehserle grabbed Grant and took him to the ground. There was a struggle. The crowd appeared aggressive and moved toward officers Woffinden, Domenici and Flores. The camera moved to a struggle between Knudtson and A [REDACTED] A shot is heard and the camera moved toward Grant who was lying down prone. Mehserle was standing over Grant. People in the crowd were yelling, "They just shot him." It appeared as though a subject threw an object at the officers. People also yelled, "They just shot him. Get on the train! I got you muthafucka!" The video footage ended and V [REDACTED] told her version of the story to the reporter.</p> <p>At about 1400 hours, I was advised by Commander White that Mehserle resigned his position as a BART Police Officer.</p> <p>At about 1607 hours, Detective Power interviewed witness S [REDACTED] who stated in summary that he was on a very crowded train car. He saw three subjects walk through his train car causing a raucous. When the train stopped at the Fruitvale BART Station, he noticed one officer attempt to detain several subjects. He noticed that the suspects challenged the officer. There was a group on the train that also challenged the officers. It appeared as though the second group was trying to create an opportunity for the detainees to escape. The subjects in the second group appeared to be reaching into their pocket. S [REDACTED] believed they were reaching for weapons. S [REDACTED] thought he was going to be in the middle of a 'shoot out'. The subjects pulled out cell phones. S [REDACTED] stated the officers were out numbered. S [REDACTED] did not see the actual shooting but stated that the outnumbered officers looked scared. See Power's supplement for details.</p> <p>I gave Moschetti our department's preliminary investigative reports.</p> <p>End of shift:</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-11-2009/1233	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Legal/FBI <input type="checkbox"/> FAXED TO:			
				APPROVED BY: AFS471-12-09	

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200

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242PC/148 (a) (1) PC/OIS

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Battery/Resisting-Obstructing/Officer-Involved-Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

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Wednesday, 1-07-2009:

As of 0830 hours, Maes had not received an answer from KTVU for a copy of the unedited video footage. Investigator Moschetti later told me that he would get a court order to obtain this unedited video footage for review and evidence.

At about 0900 hours, Detective Carter and Detective T. Smith conducted a follow up interview with Officer Domenici. The interview resulted with no new information given. See Carter's Supplement.

I received Grant's police reports from San Leandro PD. Of note is a case where Grant was arrested for possession of a gun. He also had police priors for drug offenses.

At about 1030 hours, Detective Power interviewed witness K [REDACTED] J [REDACTED]. In summary, J [REDACTED] stated that he saw a fight in his train car. See Power's supplement.

At about 1230 hours, Detective Power picked up evidence from the Alameda Coroner's Office. The evidence consisted of Grant's DNA, blood card, fingerprints, shoes, socks, boxer shorts and fingernail clippings. See Power's supplement for details.

At about 1246 hours, Officer Pon #307 photographed and processed Mehserle's locker at the Lake Merritt Police Facility. Pon collected Mehserle's uniform and other personal items for evidence. See Pon's supplement for details.

At about 1830 hours, I was advised of a protest heading toward the Lake Merritt BART Station from the Fruitvale BART Station. I was advised that the protestors were throwing bottles and rocks. Subsequently, some of the protestors vandalized private and city property.

End of shift.

REPORTING OFFICER(S) J. Enriquez #456	RECORDING OFFICER 456	DATE / TIME PREPARED 1-11-2009/1233	APPROVED BY: AFS471-12-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Legal/FBI <input type="checkbox"/> FAXED TO:	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin:0;">POLICE REPORT</h1> <p style="margin:0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
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<p>Thursday, 1-8-2009:</p> <p>I received the verbal results from Mehserle's drug and alcohol test. The test revealed negative results for both. I was given the hard copy of the results on 1-10-2009. See Commander White's supplement for details.</p> <p>At about 0800 hours, I left a message with Officer Woffinden. He returned my call and we scheduled a follow up interview for 01-10-2009 at 1000 hours. At the request of DA Investigator Moschetti, I canceled my interview with Woffinden scheduled for 1-10-2009. I told Woffinden that the District Attorney's Office would contact him for an interview.</p> <p>At about 0808 hours, I requested CHP dispatch tapes and the CHP 911 call logs from the date, time and location of the incident.</p> <p>At about 0900 hours, there was a BART Board meeting held at 300 Lakeside Drive in Oakland. The public voiced their concerns and frustrations toward the police department at the meeting. There was also a small protest close by.</p> <p>Maes conducted a TASER and Pistol comparison. He took photos of Mehserle's issued TASER and firearm. See Maes' Supplement.</p> <p>I spoke with Doctor J [REDACTED] W [REDACTED] about the location (on Grant's person) of where the bullet was found. She told me that Resident Doctor J [REDACTED] D [REDACTED] actually removed the bullet from Grant. She believes the bullet was removed from Grant's upper right chest. I will contact J [REDACTED] D [REDACTED] for clarification.</p> <p>At about 1445 hours, Sergeant Fueng and I interviewed Officer Sekhon #465 in the large conference room at the Lake Merritt Police Facility. Also present for the interview was Lieutenant Lucarelli #L21. In summary, Sekhon stated that on the day Mehserle resigned, he (Mehserle) told Sekhon, "Nobody knows what I was thinking. Only I know. Fuck everybody</p>					
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<p>else." I recorded the interview with my digital recorder. I burned the audio recording onto a CD and logged it into evidence.</p> <p>At about 1527 hours, Detective McNack conducted a phone interview with AMR paramedic A [REDACTED]. See McNack's supplement for details.</p> <p>End of shift.</p> <p>Friday, 1-9-2009:</p> <p>At about 1037 hours, Detective Carter left a message on G [REDACTED] phone and requested a call back. She also called G [REDACTED] home and a male voice answered. When Carter identified herself, the male hung up. Carter also called A [REDACTED] R [REDACTED] (R [REDACTED] girlfriend) and got no answer. See Carter's supplement.</p> <p>At about 1230 hours, Officer Foreman #542 was interviewed in the line up room located in the Lake Merritt Police Facility. The following were present for the Interview: DA Investigator Frank Moschetti, DDA John Creighton, BART PD Detective Sergeant Fueng #S47, and Oakland Police Detective Tony Jones, DDA Lt. Bob Conner, BART PD Lieutenant Lucarelli #L 21 and I, (Detective Enriquez #456). In summary, Foreman stated that he had remained in contact with Mehserle since the shooting. In conversations he had with Mehserle, he (Mehserle) told Forman, "It was different. He was going for his pockets. I thought he was going for a gun. I thought he had a gun." I recorded the interview with my digital recorder. I burned the recording onto a CD and logged it into evidence. See Fueng's supplement for details.</p> <p>At about 1246 hours, Detective Power interviewed witness T [REDACTED]. In summary, T [REDACTED] stated that he was in the lead car when a fight in his car spilled out onto the platform. The officers were out numbered and there was chaos. The officers looked in fear. See Power's supplement.</p>				
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APPROVED BY: AFS471-12-09 <div style="color: red; transform: rotate(-15deg); font-weight: bold; font-size: small;"> RELEASED TO: SB 1421 BY SAP I-265 CONFIDENTIAL BY LAW </div>				

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

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At about 1355 hours, Detective McNack conducted a phone interview with AMR Paramedic M [REDACTED]. See McNack's supplement for details.

Witness Interview:

Doctor J [REDACTED] D [REDACTED]

At about 1423 hours, I spoke with Doctor J [REDACTED] D [REDACTED]. He told me in summary that he was the working as the Trauma Resuscitation Resident. As Grant was brought into the hospital through the trauma bay, Grant told D [REDACTED] "I can't breathe." D [REDACTED] saw the bullet in the right anterior chest wall. D [REDACTED] removed the bullet while in trauma center. I will contact Highland Medical records for D [REDACTED] report.

At about 1615 hours, Moschetti picked up Grant's clothing. The property items numbers were: WMalone-009, WMalone-010, WMalone-011, WMalone-012, WMalone-014, WMalone-022, WMalone-023, WMalone-024, WMalone-026 and WMalone-028 to Moschetti. Moschetti told me that would seek a court order to seize Mehserle's uniform, pistol and personal effects that were left in his locker.

At about 1730 hours, I received a copy of Mehserle's drug and alcohol tests. The test revealed that he had not drugs and/or alcohol in his system. See White's supplement for details. Also see attached results.

End of shift.

Saturday, 1-10-2009:

At about 1007 hours, Carter called witness B [REDACTED] W [REDACTED] and left a message. W [REDACTED] is believed to have taken video footage of the shooting. Carter left a message encouraging W [REDACTED] to contact the District

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FEB 23 2019
 RELEASED TO: SB1421
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<p>Attorney's office to turn in the video. See Carter's supplement.</p> <p>At about 1430 hours, Moschetti told me that he would seek warrants for all the phone records for the cell phones found at the scene.</p> <p>At about 1750 hours, Fueng called Mehserle's listed cell phone. Fueng left a voice mail requesting an interview.</p> <p>Fueng checked Mehserle's work schedule for the week of 12-29-2008 to 1-4-2009. It showed that Mehserle was working overtime (12-31-2008 starting at 2000 hours) and on his first day off. See Alkire's supplement.</p> <p style="text-align: right; color: red; font-weight: bold; margin-top: 20px;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J265 BART POLICE DEPARTMENT CONFIDENTIAL </p> <p>End of shift.</p> <p>Sunday, 1-11-2009:</p> <p>At about 1239 hours, Detective Smith and Detective Power interviewed witness V [REDACTED] at the Hayward Police Department. See Power's supplement for details.</p> <p>At about 1422 hours, Detective Maes interviewed witness C [REDACTED] via telephone. See Maes' supplement for details.</p> <p>At about 1500 hours, I was advised by Detective McNack that she pulled the recordings from the OCC (BART Operations and Control Center) on 1-2-2009. See McNack's supplement for details.</p>					
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DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE			
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Final Summary: <p>This report contains varying witness accounts. Based on video footage, dispatch recordings and witness statements, it is clear that the officers responded to a report of a fight on the train. Officer Pirone arrived on scene first and attempted to detain five subjects that had matched the broadcasted suspect description. These subjects were later identified as R█████ J█████ N█████ Grant and G█████. Grant and G█████ tried to evade Pirone by getting back on the train. R█████, J█████ and N█████ continued down the platform and were detained by Pirone. These subjects were detained while Pirone investigated the report of a fight. Officer Domenici arrived as a cover officer. Pirone off-boarded and detained Grant whom he recognized as one of the original five subjects on the platform. Pirone then off-boarded and detained G█████. Pirone also recognized G█████ as one of the original five subjects on the platform. G█████ resisted Pirone's detention. The video footage, dispatch recording, and witness statements indicate a chaotic scene.</p> <p>G█████ was placed in handcuffs after a brief struggle. Other officers (later identified as Mehserle, Woffinden, Guerra, Flores and Knudtson) arrived on scene to assist. There were people on the platform and in the train cars yelling at the officers. Witnesses have indicated that there were individuals in the crowd that were hostile toward the officers.</p> <p>Pirone pointed at Grant and told other officers that Grant was under arrest for resisting and obstructing, 148(a)(1)PC. There was a struggle between Pirone and Grant. Then there was a brief struggle between officers (Mehserle and Guerra) and J█████ B█████. After J█████ B█████ was placed in handcuffs, Mehserle grabbed Grant's arm (Grant was kneeling at the time) and moved him to the ground. Mehserle and Pirone then struggled with Grant. Grant appeared to be on his stomach with Pirone positioned near his head. Mehserle positioned himself over Grant and pulled on Grant's right arm with both of his (Mehserle) hands. Grant's arms appeared to be underneath Grant's body. The exact positions of Grant's hands are not clear in the videos. Mehserle drew his duty pistol and</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-11-2009/1233	
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1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting-Obstructing/Officer-Involved-Shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94601		5. PHONE 510-464-6000
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<p>fired a single shot into Grant's back, resulting in Grant's death. Grant was not handcuffed at the time of the shooting.</p> <p>After the shooting, it was reported by several witnesses and as also seen on video that Mehserle put his hands onto his head and then down to his knees. Mehserle then placed Grant in handcuffs. Medical aid was provided to Grant by officers at the scene. No weapon was found at the scene. No weapons were found on Grant's person.</p> <p>Based on witness statements, it is known that there was a fight or multiple fights in the lead train car on the Fruitvale platform. At this time, no witnesses have identified the subjects detained by Pirone as being involved in the fights. That aspect of this investigation is still on going.</p> <p>It should be noted that Pirone stated in both of his interviews that he was in fear for his own safety. Pirone also stated in his second interview, that Mehserle pulled him to the side (shortly after shooting occurred) and said, "Tony, I thought he had a gun." Pirone did not mention this statement in his first interview. It should also be noted that officers on scene did not broadcast that the shooting was officer involved.</p> <p>There were two other dispatched incidents in which BART Police officers responded to calls involving subjects with handguns. Both incidents occurred about 1 hour before the Fruitvale incident. Refer to case #0901-0010 at about 0057 hours and 0901-0014 at about 0118 hours. In both of these incidents, firearms were recovered. Also, prior to the incident at Fruitvale, at 0151 hours, BART Police officers used a TASER on a combative subject (Case #0901-0024).</p> <p>According to Foreman, Mehserle told him after the incident, "It was different. He was going for his pockets. I thought he was going for a gun. I thought he had a gun." This statement may give insight to Mehserle's thoughts during the shooting. Due to the fact that Mehserle</p>				
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

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Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94601

5. PHONE

510-464-6000

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has not given a statement for this investigation, it is impossible to know exactly what was going through Mehserle's mind before, during and after this incident.

I am referring this case to the Alameda County District Attorney's Office for review and disposition.

The primary portion of this investigation has been completed. During the course of this investigation, we have worked closely with the Alameda County District Attorney's Office (especially DA Investigator Moschetti and DDA Creighton). Additional information, such as videos/video enhancements and/or witnesses may be forthcoming. All subsequent evidence will be evaluated, and documented by the BART Police Department. Any new information will be forwarded to the Alameda County District Attorney's Office in the form of an investigative supplement for their review.

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FEB 23 2019

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REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

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1-11-2009/1233

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Investigative Supplemental

Monday, 1-12-2009:

At about 1400 hours, I submitted the remaining portion of the BART PD primary investigation to District Attorney Inspector Moschetti. This packet contained supplemental reports and CD copies of interviews. This portion was submitted with the understanding that there was more follow up to be completed.

During my meeting with Moschetti, he told me that he would get AMR and Highland Hospital Medical records via search warrant.

End of shift.

Tuesday, 1-13-2009:

Witness Information

J. [REDACTED] W. [REDACTED]

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At about 1130 hours, I spoke with witness J. [REDACTED] W. [REDACTED] via telephone. Waller was at work and told me he would call me back.

At about 1530 hours, the following items of evidence were given to Moschetti by way of search warrant: CShiple 009 thru 013, MMAes 001 and MPon 001 thru 012. It should be noted that the TASER holster was in the same evidence envelope as #MMAes 001. Moschetti also received #GNarcis 001 (expended bullet). See attached search warrant. I also gave Moschetti a copy of Mehserle's FTO (Field Training Officer) records as well as documents in the Mehserle's personnel file.

REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

456

DATE / TIME PREPARED

1-26-2009/0600

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AFS4713009

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Pirone, Anthony		800 Madison Street Oakland CA 94607		510-464-6000	
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<p>Witness Information</p> <p>M [REDACTED] Y. B [REDACTED]</p> <p>[REDACTED]</p> <p>On this day, I was made aware of a letter sent by witness M [REDACTED] B [REDACTED] to the BART Legal Department. She did not leave a phone number. I will attempt to contact her at her home address. See attached letter.</p> <p>McNack interviewed Oakland Fire Department Lieutenant H [REDACTED] at about 1326 hours. See McNack's supplement.</p> <p>At about 1800 hours, Sergeant Fueng and I went to Mehserle's last listed address in Alameda in an attempt to look for information on Mehserle's girlfriend. This was done at the request of the District Attorney's Office. The apartment building's on-duty manager was not there and we left a message.</p> <p>At about 1825 hours, I was notified that Mehserle was arrested in Douglas County, Nevada, without incident. Oakland Police personnel were en route to Mehserle's location to attempt to get a statement from Mehserle. I later learned that Mehserle declined to give a statement.</p> <p>End of Shift.</p>					
<p style="color: red; font-weight: bold; font-size: small;"> CONTROLLED BY LAW DUPLICATION OR REISSUANCE CONTROLLED BY LAW </p> <p style="color: red; font-weight: bold; font-size: small;"> FEB 23 2019 RELEASED TO: <u>581421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </p>					
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OAKLAND, CALIFORNIA 94607

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Wednesday, 1-14-2009:

The BART PD Criminal Investigations Section requested that we participate in the transport of Mehserle from Douglas County to the Santa Rita Jail. Our request was declined by OPD.

I later learned that Mehserle arrived at the Santa Rita Jail at about 1400 hours.

End of Shift.

Thursday, 1-15-2009

At about 1400 hours, Mehserle was arraigned and plead not guilty to the charge of murder at the Wiley Manuel Court House.

At about 1530 hours, Moschetti requested the expended shell casing found on the Fruitvale platform. Per Moschetti, the BART Police Department will retain DNA and other evidence collected from Alameda County Coroner's Office.

End of Shift.

Friday, 1-16-2009:

At about 0800 hours, Detective Power and I went to B [REDACTED] apartment located in San Leandro. She did not answer her door. I left her a voicemail on her apartment voice mailbox.

I spoke with J [REDACTED] W [REDACTED] via telephone at about 0910 hours. We scheduled his interview for 1-18-2009 at 1300 hours.

REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

456

DATE / TIME PREPARED

1-26-2009/0600

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Fueng and I spoke with Moschetti. He told us that the contact person for the search of Grant's cell phone is District Attorney Inspector Conner. We were also advised that the District Attorney's Office may have a possible lead on the person who fought Grant on the train.

I received a request to release Grant's property (not of evidential value) to family members of Grant. The request was made through the Law Office of John Burris.

At about 1343 hours, I turned in several more approved reports to Inspector Moschetti. I also gave him evidence item #WMalone 001 (expended shell casing).

End of Shift.

Monday, 1-19-2009:

W [REDACTED] did not show up for his interview at 1300 hours. W [REDACTED] told me he got called in to work. W [REDACTED] stated that he was available for interview on 1-21-2009 and/or 1-22-2009.

At about 1430 hours, I spoke with the landlord of M [REDACTED] B [REDACTED] via telephone. Her name was I [REDACTED] G [REDACTED]. She told me that she would leave a message for B [REDACTED].

At about 1445 hours, I picked up Grant's property to be released to family members from the BART PD evidence clerk. I also picked up the BART tickets found at the scene from the BART PD evidence clerk. I will get detailed information about the prior use of the tickets.

End of Shift.

REPORTING OFFICER(S) J. Enriquez #456	RECORDING OFFICER 456	DATE / TIME PREPARED 1-26-2009/0600	APPROVED BY: AFS47 1-30-09
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Tuesday, 1-20-2009:

I checked the information on the BART tickets found at the scene. I ran the serial numbers and machine used numbers (printed on the tickets) in a ticket reader machine. The reader machine I used was at the Lake Merritt BART Station Agent's booth. There were two BART tickets found at the Fruitvale BART Station crime scene.

Evidence item #WMalone 005 was a blue exit coded ticket valued at \$3.00. This ticket was purchased at the South Hayward BART Station on 12-31-2008 at about 2312 hours. The ticket was processed for entry at a fare gate in the South Hayward Station on 12-31-2008 at about 2313 hours. The ticket was not processed for exit on this ride. The same ticket was processed to enter at the Powell Street BART Station on 1-1-2009 at about 0119 hours.

The other ticket (evidence item #WMalone 004) was entry coded and valued at \$0.50. This ticket was used on 12-29-2008.

At about 1013 hours, I listened to Officer Woffinden's reinterview. The location of the interview was at the Oakland Police Department (Criminal Investigations Division). I listened to the interview via telephone at Oakland Police Sergeant Jones' desk. I did not ask any questions, I merely listened to the interview for reference. The interview was facilitated by Jones.

End of shift.

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Wednesday, 1-21-2009:					
<p>At about 0937 hours, I met with witness M [REDACTED] B [REDACTED] at the Lake Merritt Police Facility. I recorded the interview with my digital recorder. I later burned the audio recording onto a CD and logged it into evidence.</p> <p>B [REDACTED] told me in summary that she boarded the Dublin bound train at the Montgomery BART Station about one hour after the fireworks show in San Francisco. E [REDACTED] was with her son (S [REDACTED] S [REDACTED], sister (S [REDACTED] H [REDACTED] and bother-in-law (A [REDACTED] H [REDACTED]. I will attempt to follow up with S [REDACTED] and A [REDACTED] H [REDACTED] at a later time. She noticed people on the train car were rowdy. She also noticed the odor of marijuana in the train car. She believed she was in the fourth or fifth car from the front of the train. The subjects in the rowdy group were about 18-22 years old. The car was very crowded. She did not notice a fight in her train car.</p> <p>As soon as the train pulled into the platform at Fruitvale, the group in her car reacted to an incident on the platform. They were yelling profanities and chanting, "Jerry! Jerry!" Brice believed the group was making reference to the 'Jerry Springer' show. She believed the people on the platform were instigating the situation. She believed the crowd in her train car was not associated with the group detained. She did not see the incident on the platform. She noticed a male officer running past her window toward the commotion. B [REDACTED] was unable to describe the officer, but knew this person was a police officer because of his uniform. B [REDACTED] stated that the crowd mocked the officers and were obnoxious toward the officers. The crowd from her car cursed at the officers. She told me that she heard the crowd yelling over her iPod headset. B [REDACTED] did not see the detained subjects or the shooting. B [REDACTED] only heard the pop sound.</p> <p>B [REDACTED] has been monitoring the news since the incident. She believes that the video footage does not properly show the chaos at the scene. She believes that the crowd's obnoxious and rowdy demeanor toward the officers could have been a factor. She believes that the shooting was an</p>					
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<p>unfortunate incident but feels as though the public should know about the chaos at the scene. [REDACTED] did not see the actual shooting but she witnessed the chaos.</p>					
Witness Information <div style="background-color: black; width: 100%; height: 100%;"></div>					
CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-285 BART POLICE DEPARTMENT CONFIDENTIAL					
<p>At about 1547 hours, I spoke with witness S [REDACTED] S [REDACTED] via telephone. It should be noted that S [REDACTED] is the 15 year old [REDACTED] son of B [REDACTED] S [REDACTED] was with B [REDACTED] at the Fruitvale station at the time of the officer involved shooting. I recorded this interview and later burned the recording onto a CD-R. S [REDACTED] had difficulty understanding my questions. He was not sure about and/or did not remember many of the details.</p>					
<p>In summary, S [REDACTED] told me he watched the fireworks with his mother (M [REDACTED] B [REDACTED], aunt (S [REDACTED] H [REDACTED] and uncle (A [REDACTED] H [REDACTED] near the Embarcadero Station. After the fireworks show, they boarded a train at the Montgomery BART Station. They boarded the train mid-consist. Nobody in his group had been drinking. S [REDACTED] did not notice a fight in his train car. When the train arrived at the Fruitvale BART Station, males in his train car chanted "Jerry! Jerry! Jerry!" They were also chanting, "Steve! Steve!" I believe this a reference to the 'Jerry Springer' show. The people in his train car looked like they were going to run to a fight. The train doors closed but the males opened the doors. The train operator yelled for people to stop blocking the doorway. The train operator sounded 'pissed'. S [REDACTED] was scared after he heard the shot. B [REDACTED] told</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-26-2009/0600	
APPROVED BY: AFS471-30-09					
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE			
		<input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:			

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200
1. CODE SECTION(S) 242PC/148 (a) (1) PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer Involved Shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>S [REDACTED] to listen to his radio. When the train moved, S [REDACTED] saw Grant lying on the ground. It should be noted that S [REDACTED] had difficulty understanding and answering my questions.</p> <p>At about 1400 hours, I noticed an inconsistency while reviewing video footage. I noticed on the Fruitvale platform video that Officer Knudtson pulled Officer Mehserle aside shortly after the shooting. This occurred after the Dublin Bound train left the platform (video timer shows 0212 hours). Knudtson pulled Mehserle aside at about 0216 hours (according to the timer). The video was unclear as to whether they were talking. Knudtson stood in front of Mehserle and both were facing each other. This lasted about 12-15 seconds. I advised OPD Sergeant Jones of my findings.</p> <p>I reviewed Knudtson's supplement and re-interview. Knudtson stated that Mehserle did not talk to him after the shooting.</p>				
<p>Witness Information</p> <p>J [REDACTED] C [REDACTED]</p> <p>[REDACTED]</p> <p>I spoke with witness J [REDACTED] C [REDACTED] at 1445 hours on the phone. He did not want to give me a statement without first talking with his mother. C [REDACTED] told me that he would call me back by 1545 hours, and he did not.</p> <p>End of shift.</p>				
<p style="color: red; font-weight: bold; font-size: 1.2em;">FEB 23 2019</p> <p style="color: red; font-weight: bold; font-size: 0.8em;">RELEASED TO: <u>SB 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p>				
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456	DATE / TIME PREPARED 1-26-2009/0600	APPROVED BY: AF 547 1-30-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer Involved Shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
Thursday, 1-22-2009					
<p>At about 0940 hours, Detective Power and I went to C [REDACTED] home in an attempt to get a statement. C [REDACTED] mother answered the door. She was upset and emotional. She told me to talk with C [REDACTED] Attorney (John Burris). She did not want to give me her name. I left her my business card.</p>					
<div style="display: flex; justify-content: space-between;"> <div> <p>Witness Information</p> <p>S [REDACTED] M [REDACTED] J [REDACTED] M [REDACTED]</p> </div> <div style="text-align: right; color: red;"> <p>CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p>FEB 23 2019</p> <p>RELEASED TO: <u>SB421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p> </div> </div>					
<p>At about 1000 hours, Detective Power and I went to S [REDACTED] M [REDACTED] home in an attempt to get a statement. According to G [REDACTED], M [REDACTED] was Grant's significant other and the mother of Grant's child. M [REDACTED] was reportedly on the train with Grant. When I knocked on the door, a female voice answered but did not open the door. I identified myself as a police officer with BART PD. The female told me that S [REDACTED] M [REDACTED] was at work. At her request, I left my business card on the door.</p>					
<p>At about 1030 hours, Fueng met with Burris at his office in Oakland. Fueng gave Grant's personal property (not evidence) to Burris to be returned to Grant's family. This property consisted of Grant's keys, wallet, ID, miscellaneous paperwork and bank cards. Fueng also requested that Burris arrange interviews with C [REDACTED] and M [REDACTED] by BART PD investigators.</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-26-2009/0600	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AS471-30-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200

1. CODE SECTION(S)

242PC/148 (a) (1) PC/OIS

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting and Obstructing/Officer Involved Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94607

5. PHONE

510-454-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

I attempted to contact V [REDACTED] companions on the night of the shooting. I left a message for W [REDACTED] at 1251 hours. This was my 2nd or 3rd attempt calling him after he did not show up to our scheduled appointments.

Witness Information

C [REDACTED] D [REDACTED]

At about 1300 hours, I called C [REDACTED] D [REDACTED] via telephone. D [REDACTED] was a companion of V [REDACTED] when the shooting occurred. D [REDACTED] initially told me that he was not at Fruitvale during the shooting. I told D [REDACTED] that V [REDACTED] identified him as a witness. D [REDACTED] told me that he was on the incident train with his girlfriend, B [REDACTED] F [REDACTED]. He gave me F [REDACTED] phone number ([REDACTED]). He told me that he did not see anything and he had nothing to tell me. He told me that he was at work and that I was interrupting him. He refused to answer anymore questions.

I called E [REDACTED] F [REDACTED] at 1301 hours. There was no answer.

At about 1315 hours, I left a message with A [REDACTED] M [REDACTED] ([REDACTED]). M [REDACTED] is the father of V [REDACTED] child and was in San Francisco the night of the shooting. M [REDACTED] was not on the incident train.

End of shift.

FEB 23 2019
 RELEASED TO: SB1421
 BY SAP J-285
 BART POLICE DEPARTMENT
 CONFIDENTIAL

REPORTING OFFICER(S)

J. Enriquez #456

RECORDING OFFICER

456

DATE / TIME PREPARED

1-26-2009/0600

APPROVED BY:

AFS471-30-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: DA/IA/FBI/Legal☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer Involved Shooting			
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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
Friday, 1-23-2009 <p>I reviewed the V [REDACTED] video provided by Burris' office. This video was clearer than the versions on the internet. I had the ability to view this video frame by frame. In the first clip, Domenici stood in front four subjects who were seated. From left to right the subjects were Grant, R [REDACTED], J [REDACTED], E [REDACTED] and N [REDACTED] B [REDACTED]. Domenici was holding a metal mug. I believe this mug (evidence item #WMalone 013) was later found to contain a small amount of a green leafy substance (evidence item #WMalone 030). The green leafy substance was suspected marijuana. The subjects were compliant during this video clip. J [REDACTED] appeared to be wearing a black jacket in this video clip.</p> <p>The next V [REDACTED] video clip showed Domenici standing in front of (from left to right) Grant, R [REDACTED] and J [REDACTED] who were also standing. N [REDACTED] was sitting. There was a black jacket on the floor behind Domenici. J [REDACTED] was no longer wearing a jacket. I believe the black jacket on the floor was J [REDACTED]. Pirone was in the background handcuffing G [REDACTED]. Domenici pushed J [REDACTED] back toward the wall, when the crowd reacted to something. Several people near V [REDACTED] (who was taking the video) quickly approached the officers.</p> <p>Pirone appeared to be struggling with Grant. I watched the video frame by frame. The video showed Pirone using an open right hand (fingers and thumbs are visible) and attempted to put it behind Grant's head. Grant appears to push Pirone away and moved to a seated position. At this point, the officers were outnumbered 2 to at least 7. Officers Woffinden and Mehserle arrived. The group near V [REDACTED] backed away from the originally detained group. The camera moved and the video lens appeared to be blocked or covered. Although there was no image of the incident, a male voice is heard yelling things like, "On my mama nigga! This is bullshit! Fake ass BART Police Nigga!" Other voices yelled, "Get outta there! Get on the train!" I believe people in the crowd were trying to instruct the detainees to flee the officers. A separate male yelled, "Use that right hook!"</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-26-2009/0600	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AF 847 1-30-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:			

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200
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<p>The crowd near V [REDACTED] reacted to something toward the direction of the detainees. Three to four subjects again quickly approached the officers. You could hear males in the crowd yell, "Get their badge numbers." Mehserle was in the background struggling with J [REDACTED]. After J [REDACTED] was handcuffed, Mehserle grabbed Grant. Mehserle struggled with Grant. Males were yelling, "Fuck the Police!" The camera moved to a struggle between Knudtson and A [REDACTED]. The pop sounded and the camera moved to Grant who was lying on his stomach. Grant's left arm appeared to be behind his back.</p> <p>V [REDACTED] and several males yelled, "They just shot him." An unnamed subject appeared to have thrown an object (possibly a cell phone) toward the officers. There was more yelling toward the officers.</p> <p>I carefully reviewed the current video evidence (which includes the clearer V [REDACTED] video, other videos provided by Burris, the cell phone video and the video taken by witness C [REDACTED]). After careful review of the videos, it is my opinion based on the video quality and the known location of Grant's hands (in the videos) that the video evidence is inconclusive as to when both of Grant's hands were visible to Mehserle.</p> <p>The exact position of Grant's right hand can not be seen clearly until just after the shot was fired. This was consistent in both the video taken by witness C [REDACTED] and the video taken by the anonymous patron (near C [REDACTED]). However, after the shot is fired, Grant's hands are clearly in a position behind his back.</p> <p>In the cell phone video, a quick blur is seen just before the shot is fired. This blur appears to be the right arm of Grant. The position of Grant's the right hand (in this video) is not clear.</p> <p>As of this date, the possible lead on the person Grant fought with, has not come forward. An interview with this person can give insight to the cause of the fight and chaos in the train.</p>				
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456	DATE / TIME PREPARED 1-26-2009/0600	APPROVED BY: AFS47 1-30-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-01-2009/0200	
1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer Involved Shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>I have not been given access to Pirone's recorded follow up interview by the District Attorney's Office. This interview took place on the week of January 26th, 2009. Several requests to listen to and/or get copies of that interview have been made with the District Attorney's Office. After I review this interview, I will prepare a report concerning Pirone's actions at the scene for review and disposition by the District Attorney's Office.</p> <p>I have also requested a recording of Knudtson's follow up interview with the Oakland Police Department. I have requested a copy of this interview through the Oakland Police Department and the District Attorney's Office.</p> <p>The BART Police Department Criminal Investigations Section will continue to seek other witnesses and other evidence. We will continue to provide the Alameda County District Attorney's Office with completed portions of our investigation.</p>					
<div style="color: red; font-weight: bold; font-size: small;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </div> <div style="color: red; font-weight: bold; font-size: large; margin-top: 10px;"> FEB 23 2019 </div> <div style="color: red; font-weight: bold; font-size: small; margin-top: 10px;"> RELEASED TO: <u>SB 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER 456		DATE / TIME PREPARED 1-26-2009/0600	
APPROVED BY: AFS4713009					
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/FBI/Legal <input type="checkbox"/> FAXED TO:			

**BART POLICE DEPARTMENT
EVIDENCE/ PROPERTY RECEIPT**

CASE NUMBER: 0901-0027

LAB NUMBER: _____

DOCKET NUMBER: _____

OUTSIDE AGENCY'S
CASE NUMBER: _____

CHECK
ONE

☐

The below listed item(s) have been turned over to:
_____ of _____
(Officer) (Department)

The item(s) are relinquished by BART PD and will be retained by the aforementioned jurisdiction.

☒

The below listed item(s) have been turned over to:
INSPECTOR MORSCHETTI. The item(s) are
(District Attorney)

relinquished by the BART Police Department and will be retained by the Court of ALAMEDA COUNTY.

ITEM#	DESCRIPTION OF EVIDENCE/ PROPERTY
WMALONE 001	ONE .40 CAL CASING

CONTROLLED DOCUMENT
DUPLICATION OR REPRODUCTION
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J 265
BART POLICE DEPARTMENT
CONFIDENTIAL

CUSTODY (received by)	DATE RECEIVED	TIME RECEIVED
<u>A. Morschetti</u>	<u>1/16/09</u>	<u>1341</u>

OFFICER: J. ARDMEZ 456
REV. 5/90

APPROVED BY: _____

IN THE SUPERIOR COURT OF THE ALAMEDA COUNTY JUDICIAL DISTRICT

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

STATE OF CALIFORNIA
COUNTY OF ALAMEDA

SEARCH WARRANT

Register No.

Arrest No.

The People of the State of California, to:

ANY PEACE OFFICER IN ALAMEDA COUNTY

Proof by affidavit, having been made before me on this date by Alameda County District Attorney Inspector Frank Moschetti that there is probable and reasonable cause for the issuance of the search warrant as set forth in said affidavit.

YOU ARE THEREFORE ORDERED to make search on and in the premises, structures, rooms receptacles and safes situated at:

1. Bay Area Rapid Transit Police Department — 800 Madison Street
Oakland, CA

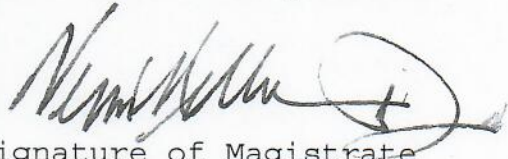
for the following property and things consisting of:

1. Items CSHIPLE 009-013 as listed in Exhibit A, a copy of which has been attached hereto and incorporated by reference.
2. Item MMAES 001 as listed in Exhibit B, a copy of which has been attached hereto and incorporated by reference.
3. Items MPON 001-012 as listed in Exhibit C, a copy of which has been attached and incorporated by reference.
4. Taser holster, black plastic, worn by Johannes Mehserle on January 1, 2009 during the homicide of Oscar Grant.

and if you find the same or any part thereof, to bring it forthwith before me or this court, or to any other court in which the offense in respect to which the property or things taken is triable, or retain such property in your custody, subject to the order of this court pursuant to Section 1536 of the Penal Code.

Time of issuance: 2:15 PM

Dated: 1-11-09


Signature of Magistrate

Arrest ☐
 Crime ☒
 Non-Criminal ☐

BART Police Department
 800 Madison Street, PO Box 12688
 Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 2 of 2

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 1,817.50

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-008	E	1			Photos/prints	CD Disc		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38772					LMA Locker 6	

DESCRIPTION

Containing 18 photographs of involved officers

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-009	E	1			Firearms	Sig Sauer	226	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
UU515749		38773			\$ 900.00	\$ 900.00	LMA Locker 6	

DESCRIPTION

.40 S&W, blue steel, semi automatic 40 Semi-Automatic 4

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-010	E	12	SIL		Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38774			\$ 26.20	\$ 314.40	LMA Locker 6	

DESCRIPTION

Ammunition and magazine

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-011	E	12			Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38775			\$ 26.20	\$ 314.40	LMA Locker 6	

DESCRIPTION

.40 Cal ammo and Sig Sauer magazine

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-012	E	11			Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38776			\$ 26.20	\$ 288.20	LMA Locker 6	

DESCRIPTION

.40 Cal ammo and magazine

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-013	E	1	SIL		Ammo/explosives	Federal		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38777			\$ 0.50	\$ 0.50	LMA Locker 6	

DESCRIPTION

Chambered round that was removed upon collecting the gun

☐ FIELD RECEIPT ISSUED

EXHIBIT "A"

CONTROLLED DOCUMENT
 DUPLICATION OR REPRODUCTION
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: **SB 1421**
 BY SAP J-985
 BART POLICE DEPARTMENT
 CONFIDENTIAL

ADMINISTRATION

BY OFFICER C. Shipley 55334	DATE/TIME 01/01/09 12:27	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Evid-I-Shipl/55334 Entered by: Christopher Shipley

APDC (Rev. 09/11/07) Print Date: 01/11/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURRENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-001	E	1	YEL		Other weapons	Taser	X26	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
X00-422063							LMA Locker 10	

DESCRIPTION

Taser and two live cartridges (serial #'s T08-1786837 and T08-1787051) w/protective covers. Obtained from Off. Mehserle.

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-002	E	1			Miscellaneous			
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 10	

DESCRIPTION

One gun shot residue kit collected from suspect Grant by Off. J. Vuong #486.

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-003	E	1			CD Recordings / Photos	Memorex	CD-R	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 10	

DESCRIPTION

One compact disc containing phone call interview with C [REDACTED] P [REDACTED]

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-004	E	1			CD Recordings / Photos	Memorex	CD-R	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 10	

DESCRIPTION

One compact disc containing phone call interview with Alika Rogers.

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-007	E	1			CD Recordings / Photos	Memorex	CD-R	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 1	

DESCRIPTION

One compact disc containing follow interviews with Officer Knudtson on 1-5-09.

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MMAES-008	E	4			Photos/prints			
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 1	

DESCRIPTION

Four photographs of Fruitvale station platform 1 shown to Officer Knudtson.

☐ FIELD RECEIPT ISSUED

EXHIBIT "B"

CONTROLLED DOCUMENT
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FEB 23 2019

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BY SAP J285
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
M. Maes 57403			
OFFICER	UNIT/SHIFT	ASSIGNED TO	CARE STATUS
			Active

Supp-1-Maes/57403 Entered by: Michael Maes

Arrest ☒
 Crime ☐
 Non-Criminal ☐

BART Police Department
 800 Madison Street, PO Box 12688
 Oakland, CA 94604-2688
Property and Evidence

CASE #
 0901-0027

Page 1 of 2

OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I 242 PC; Battery; Misd.	OFFENSE(S) cont'd.
---	--------------------

DATE, TIME AND DAY OF OCCURRENCE 01/01/09 02:02 Thursday	DATE AND TIME REPORTED 01/01/09 02:02	TOTAL PROPERTY VALUE \$ 12,640.00
LOCATION OF OCCURRENCE 3401 East 12th St, Oakland - 01 - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION
		SEAT
		SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MPON-001	E	1			Clothing	Flying Cross		
SERIAL NUMBER		BAR CODE		VALUE \$ 200.00	TOTAL \$ 200.00	LOCATION / BIN # LMA Locker 13		
DESCRIPTION Navy blue jacket with BART PD patches on both shoulders, size XL-L, BART PD cloth badge on left breast.								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-002	E	1	BLU		Clothing	Flying Cross		
SERIAL NUMBER		BAR CODE		VALUE \$ 100.00	TOTAL \$ 100.00	LOCATION / BIN # LMA Refrigerator		
DESCRIPTION Navy blue pants, size 40R, black basket weave belt, 3 blood stains on lower left side of pant								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-003	E	1	BLU		Clothing	Flying Cross		
SERIAL NUMBER		BAR CODE		VALUE \$ 100.00	TOTAL \$ 100.00	LOCATION / BIN # LMA Refrigerator		
DESCRIPTION Blue navy shirt, BART PD patches on both shoulders, blood stains on right cuff, size 17.5/36.								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-004	E	1	BLU		Clothing	Second Chance		
SERIAL NUMBER		BAR CODE		VALUE \$ 800.00	TOTAL \$ 800.00	LOCATION / BIN # LMA Locker 13		
DESCRIPTION Bullet resistant vest								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-005	E	1	BLK		Clothing	Black T-shirt		
SERIAL NUMBER		BAR CODE		VALUE \$ 10.00	TOTAL \$ 10.00	LOCATION / BIN # LMA Locker 13		
DESCRIPTION Black T-shirt with print "Save The Cougar.org Field Research Team" on same								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-006	E	1	BLK		Miscellaneous	Rocky		
SERIAL NUMBER		BAR CODE		VALUE \$ 75.00	TOTAL \$ 75.00	LOCATION / BIN # LMA Locker 13		
DESCRIPTION Right side quarter length boot with zipper on the left side, with vibram sole								<input type="checkbox"/> FIELD RECEIPT ISSUED
MPON-007	E	1	BLK		Miscellaneous	Rocky		
SERIAL NUMBER		BAR CODE		VALUE \$ 75.00	TOTAL \$ 75.00	LOCATION / BIN # LMA Locker 13		
DESCRIPTION Left quarter size leather boot with zipper on the right side, vibram sole								<input checked="" type="checkbox"/> FIELD RECEIPT ISSUED

EXHIBIT "C"

PS 1

FEB 23 2019
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 BART POLICE DEPARTMENT
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ADMINISTRATION

BY OFFICER M. Pon 55323	DATE/TIME	APPROVED BY	DATE APPROVED
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 2 of 2

OFFENSE(S)
148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public Peace Officer; 1
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 12,640.00

LOCATION OF OCCURRENCE
3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME
FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
MPON-008	E	1			Miscellaneous	Unknown make		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
				\$ 20.00	\$ 20.00	LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
Three keepers, one baton ring, one handcuff key								
MPON-009	E	1	BLK		Miscellaneous	Unknown make		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
				\$ 30.00	\$ 30.00	LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
Black leather/cloth gloves								
MPON-010	E	1	BRN		Other weapons	Unknown make		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
				\$ 80.00	\$ 80.00	LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
Short handle baton, 13 3/8" length, number 544 etched at the base of the handle								
MPON-011	E	11	GRY		Miscellaneous	Ericsson		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
93327131				\$ 1,000.00	\$ 11,000.00	LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
Portable radio, "6326P1" label placed on front of radio, "544" printed on battery								
MPON-012	E	1			Miscellaneous	Sam brown belt		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
				\$ 150.00	\$ 150.00	LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
Belt with magazine holder, pepper spray holder, radio holder, flashlight, 2 handcuff cases, gun holster, 12 keys								
MPON-013	E	1			CD Recordings / Photos	Unknown make		
SERIAL NUMBER		BAR CODE		VALUE	TOTAL	LOCATION / BIN #		
						LMA Locker 13		
DESCRIPTION						<input type="checkbox"/> FIELD RECEIPT ISSUED		
64 photos showing police uniform and equipment								

EXHIBIT C

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pg 2 FEB 23 2019
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ADMINISTRATION

BY OFFICER M. Pon 55323	DATE/TIME	APPROVED BY	DATE APPROVED
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

M [REDACTED]
[REDACTED]

Attn: Legal Department
B.A.R.T.
800 Madison Street
Oakland, CA 94607

RECEIVED
JAN 08 2009
LEGAL DEPARTMENT

January 6, 2009

To Whom It May Concern;

Three members of my family and I were on the train, at the Fruitvale station, on New Years morning. We were there when the unfortunate incidents that lead to the death of Oscar Grant happened.

I have been following the coverage in the news and strongly felt, in good consciousness that I needed to express what I observed. The extended time that our train spent on the Fruitvale platform was extremely chaotic and full of confusion and commotion. The train cars were packed, standing room only. The BART operator, notably agitated, was unable to close the doors because of rowdy passengers who kept blocking the doors to see what was going on. Some of those blocking the doors were shouting improper, unacceptable comment, whopping and such.

None of us know what was going on in the minds of the BART officers. I can only reiterate that the situation on the Fruitvale platform was much more chaotic, noisy, and full of disorder than I have seen portrayed in news coverage.

I am extremely sympathetic to the family of Oscar Grant; I have a 20 year old daughter myself. I am also sympathetic to the officers on the scene in those early hours trying to bring some sort of order out of a situation that was every bit as chaotic and comparable to the commotion in down town San Francisco earlier that morning.

Under stressful situations like these unfortunate events can happen and errors, mistakes can be made. I believe in all fairness to everyone concerned, all factors should be included and considered.

If you have any further questions, please do not hesitate to contact me.

[REDACTED]



W. Smothers
Parole Agent I

Dept. of Corrections
& Rehabilitation
Division of Adult Parole Operations
20609 Corsair Blvd.
Hayward, Ca. 94545

Office (510) 785-0233 ext 229
FAX: (510) 266-5717

Bank of America.

05 330-68855

Account Number

Account Number

Account Number

Account Number

00-14-4504B 01-2002

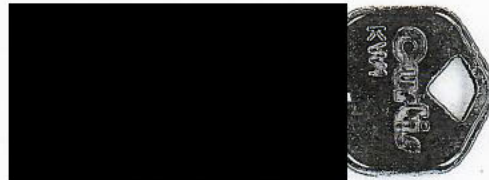


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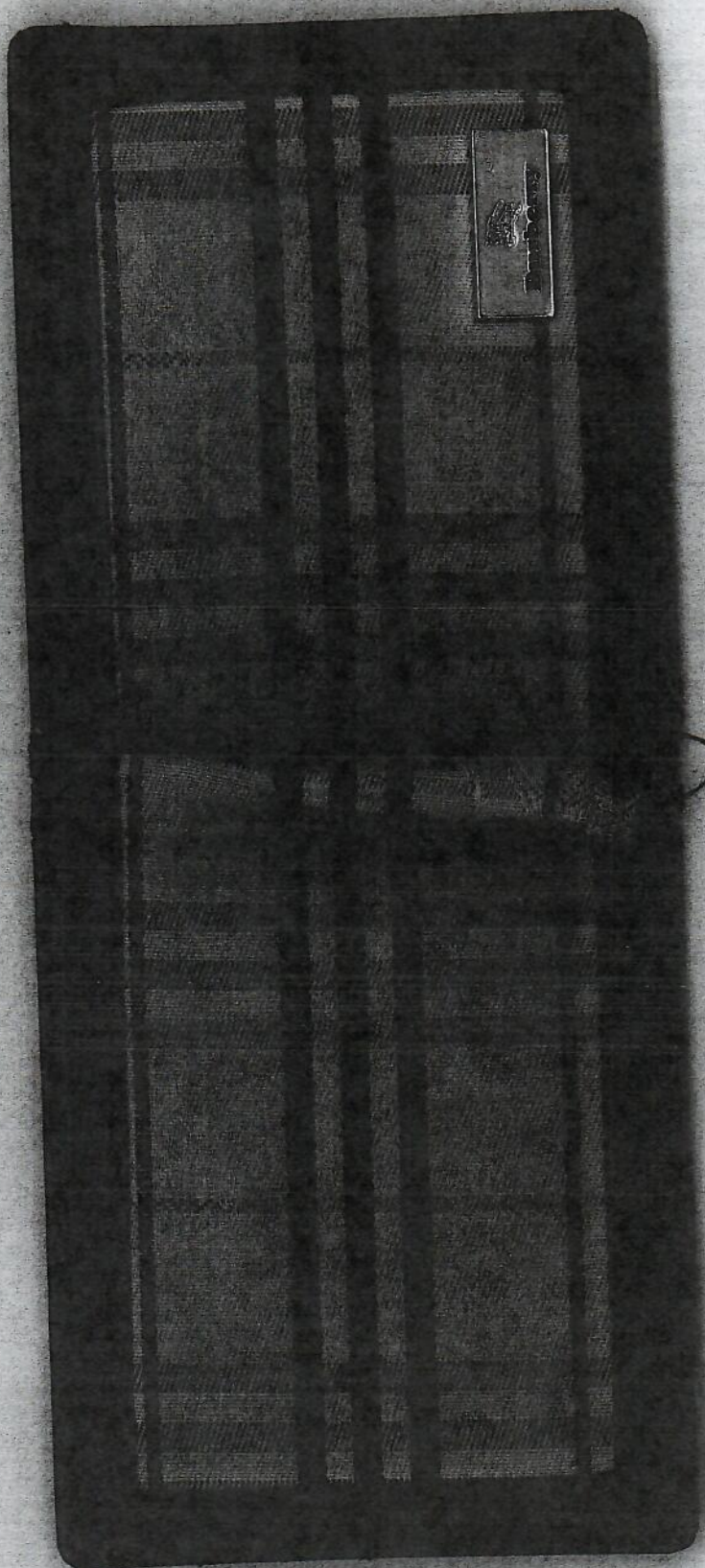
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Decoded at 01/01/09 09:10:14

Universal 0) Ticket

* * Ticket CANNOT be processed due to less than minimum fare *

REMAINING VALUE: \$ 0.50
ORIGIN STATION: (20) Fruitvale (FV)
Entry or Exit Code: Coded for Entry
MONTH: December
DAY: 29
YEAR CODE: 0
TIME OF DAY: 18:07 (1087)
TYPE: Adult (BART Blue)
TICKET MODE: Revenue Ticket
PRINT CONTROL: Employ skip printing
PRINT LINE: 1
NUMBER OF USES: 1
ORIGINAL VALUE: \$0 - \$5
SPAN: Unlimited
EXPIRATION DATE: 356
MACHINE (Issued): 5563
MACHINE (Last Used): 3513
SERIAL NUMBER: 813503
MISC: 3
PARKING CHARGE: No charge



INSERT
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SIDE UP



SEE
OTHER
SIDE

CASE # D901-0027

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Ticket S/N 5563 00813503

Date / Time	SOO	Dest	Device	Ticket Type	RVT S/N	Description	Initial	Amount	Final
2008-12-29 18:07:01	A20 (20)	--	5563	BART Blue (50)	--	Ticket Sale	\$0.00	\$2.00	\$2.00
2008-12-29 18:07:35	A20 (20)	--	3702	BART Blue (50)	--	Fare Gate Entry	\$2.00	\$0.00	\$2.00
2008-12-29 18:17:14	A20 (20)	A40 (22)	3513	BART Blue (50)	--	Fare Gate Exit	\$2.00	(\$1.50)	\$0.50

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Universal (190) Ticket

* * Ticket CAN be processed * *

REMAINING VALUE: \$ 3.00
 ORIGIN STATION: (42) Powell Street (PL)
 Entry or Exit Code: Coded for Exit with TDO
 MONTH: January
 DAY: 1
 YEAR CODE: 0
 TIME OF DAY: 01:19 (79)
 TYPE: Adult (BART Blue)
 TICKET MODE: Revenue Ticket
 PRINT CONTROL: Employ skip printing
 PRINT LINE: 0
 NUMBER OF USES: 0
 ORIGINAL VALUE: \$0 - \$5
 SPAN: Unlimited
 EXPIRATION DATE: 366
 MACHINE (Issued): 5594
 MACHINE (Last Used): 2229
 SERIAL NUMBER: 353873
 MISC: 0
 PARKING CHARGE: No charge



INSERT
THIS
SIDE UP



SEE
OTHER
SIDE

KEEP TICKET AWAY FROM MAGNETS

CASE #0901-0027

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Ticket S/N 5594 00353873

Date / Time	S/O	Dest	Device	Ticket Type	RVT S/N	Description	Initial	Amount	Final
2008-12-31 23:12:07	A70 (25)	--	5594	BART Blue (50)	--	Ticket Sale	\$0.00	\$3.00	\$3.00
2008-12-31 23:13:55	A70 (25)	--	3529	BART Blue (50)	--	Fare Gate Entry	\$3.00	\$0.00	\$3.00
2009-01-01 01:19:47	M30 (42)	--	2229	BART Blue (50)	--	Fare Gate Entry	\$3.00	\$0.00	\$3.00

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Alameda County Sheriff's Office

Coroner's Bureau
480 4th Street, Oakland, CA 94607-3829



Gregory J. Ahern, Sheriff

Coroner - Public Administrator - Marshal
Director of Emergency Services

CASE NUMBER: 2009-00004	CASE NAME: Oscar Grant
PATHOLOGIST: T [REDACTED] W [REDACTED] R [REDACTED] M.D.	HISTOLOGICAL EXAMINATION

HEART: Sections show nonremarkable cardiac muscle cells. No areas of inflammation, scarring, or fibrosis are present.

LUNGS: Sections show nonremarkable alveolar air sacs and airways.

LIVER: Hepatocytes are nonremarkable. Portal triads are of their usual size and contain their normal structures. Mild congestion is present.

PANCREAS: The pancreas is autolyzed but otherwise nonremarkable.

SPLEEN: Nonremarkable-appearing red pulp and white pulp areas are present.

KIDNEYS: Sections show nonremarkable glomeruli and tubular structures.

BRAIN: Sections show nonremarkable neural tissue.

SPINAL CORD: The spinal cord is normal. No hemorrhage, disruption, or bone spicules are noted within spinal cord parenchyma.

2-26-9
Date

Handwritten signature of the pathologist.

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CONTROLLED BY LAW M.D.

TWR/cah
D: 1/14/09
T: 2/17/09

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Alameda County Sheriff's Office

Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA 94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

Coroner Investigator's Report

CALL INFO	NAME OF DECEASED (LAST, FIRST MIDDLE) GRANT III, Oscar Julius				TENTATIVE ID <input type="checkbox"/>		UNIDENTIFIED <input type="checkbox"/>		CASE NUMBER 2009-00004	
	REPORTED BY Dr. Arturo Garcia		REPORTED BY PHONE NO. (510) 437-4800		REPORTING AGENCY ACMC - Highland Campus				REFERENCE NUMBER 09-010027	
	INVESTIGATOR Jintapa Piyamanothamkul		CALL DATE AND TIME 1/1/2009 9:20		CASE TYPE Removal Case					
	DATE AND TIME OF DEATH 1/1/2009 9:13		DATE OF BIRTH [REDACTED]		AGE 22 Years		GENDER Male		RACE African-American	
DECEDENT	HGT 67		WGT 209		EYE COLOR Brown		HAIR COLOR Black		OCCUPATION Butcher	
	MARITAL STATUS Never Married		VET? <input type="checkbox"/>		EMPLOYER					
	Preliminary Summary Death of 22 y/o male at ACMC Highland Campus Inpatient Unit. Possible BART PD involved shooting on 01/01/09 at 0202 hours at Fruitvale BART Station platform. Gunshot wound to torso. NOK present at hospital.									
DEATH	LOCATION OF DEATH ACMC - Highland Campus								LOD TYPE Hospital - IP	
	ADDRESS (STREET, CITY, STATE, ZIP) 1411 E. 31st Street Oakland CA 94602								COUNTY Alameda	
	Manner Homicide				Death Certificate Signed By: T. Bartholomew #1035, Deputy Coroner					
	Cause A Gunshot wound to the torso				Interval					
	Cause B				Interval					
	Cause C				Interval					
NOTIFICATION	LEGAL NEXT OF KIN T. G. [REDACTED]				RELATIONSHIP Minor Child				TELEPHONE NO.	
	NOTIFIED BY				METHOD In Person				DATE AND TIME 1/2/2009 0:00	
	IDENTIFICATION METHOD Finger Prints				DATE AND TIME 1/29/2009 19:59				AT WORK <input type="checkbox"/>	
INCIDENT	LOCATION OF INCIDENT Bay Area Rapid Transit Fruitvale Station									
	ADDRESS (STREET, CITY, STATE, ZIP) 3401 East 12th Street Oakland CA 94601									
	COUNTY Alameda									
DISP	INVESTIGATING AGENCY Bay Area Rapid Transit Police				INV AGENCY PHONE NUMBER (510) 464-7043				OFFICER Detective J. ENRIQUEZ	
	FUNERAL HOME McNary, Morgan, Greene & Jackson				BODY RELEASED TO FUNERAL HOME ON 1/5/2009 15:40					
	EXAM BY Thomas W. Rogers									



Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

1

Investigator Narrative

Decedent: GRANT III, Oscar Julius
Case Number: 2009-00004
Investigator: Jintapa Piyamanothamkul

First Call Information:

On Thursday, January 01, 2009, about 0945 hours, I (PIYAMANOOTHAMKUL) was assigned to this case by Coroner Supervisor M. YOST. About 0920 hours, Dr. Arturo GARCIA from ACMC-Highland Campus Inpatient Care Unit telephoned to report the death of 22 year old Oscar GRANT who was brought to the emergency room on 01/01/09 at about 0234 hours with a gunshot wound to the back. Oscar was transferred to the operating room and had undergone a right pneumonectomy and a right thoracotomy. Dr. GARCIA did not know if the bullet was removed during the surgery. After the surgery, Oscar was transferred to the inpatient unit in critical condition. Life saving measures continued with no improvement. At 0913 hours, Dr. Trevor WILLIAMS pronounced death.

Dr. GARCIA told me the decedent's family, Bay Area Rapid Transit Police officers, and Alameda County Sheriff's Office deputies were present at the ICU. The shooting may have been a BART PD involved incident.

I told Dr. GARCIA to keep medical therapy in place and move the decedent to the morgue with Highland deputies' assistance and we will make the removal. (JPI1652)

Medical Summary:

Gunshot wound to back, per Highland's medical records.

On Thursday, January 01, 2009, about 1700 hours, I (PIYAMANOOTHAMKUL) reviewed the medical records I recovered from Highland Hospital and discovered a nursing log for 0244 hours which read "R mid pectoral exit wound missile removed." I telephoned Highland Hospital and spoke to a nursing supervisor who told me she would not know if a bullet was removed during the operation on the decedent. She told me I would have to speak to someone in the operating room department tomorrow. (JPI1652)

On Friday, January 02, 2009, about 0730 hours, I telephoned Highland Hospital in an attempt to determine if the bullet was removed from the decedent. About 0845 hours, I received a telephone call from the surgeon that performed the surgery, Dr. A. HARKIN, who told me the bullet was removed in the emergency room, not the operating room. About 0848 hours, I telephoned pathology and left a message for someone to call the Coroner's Bureau regarding the bullet.

About 0905 hours, BART detectives arrived at the Coroner's Bureau for the autopsy. The detectives confirmed they had recovered the bullet that was removed from the decedent at Highland Hospital. (JPI1652)

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FEB 23 2019

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BART DEPARTMENT



Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

2

About 1040 hours, Tuesday, January 06, 2009, I (WILLIAMS) arrived at ACMC – Highland Campus to recover the lung which had been surgically removed from the decedent. I issued Coroner Receipt 28178, collected a copy of the Pathology Report, and transported the specimen back to the Coroner's Bureau.

The specimen was processed into the morgue about 1110 hours, Tuesday, January 06, 2009. (GW#20)

On 01/09/09 about 0930 hours, I telephoned Dr. A. HARKIN for further information on the surgery to remove the bullet from the decedent. Dr. HARKIN told me there was a hole on the decedents back below the shoulder blade and another hole on the front torso below the right collar bone where an incision was made to remove the bullet. I asked Dr. HARKIN if he thought the bullet may have passed through the decedent, exiting his body, then bounce back into his body; he told me it was unlikely. (JPI1652)

Description of the Death/ Injury Scene:

On Thursday, January 01, 2009, about 1420 hours, Deputy R. LORENZANA and I (PIYAMANTHAMKUL) arrived at ACMC-Highland Hospital and located the decedent in the morgue. The decedent was in a body bag, dressed in a hospital gown and lying face up on a hospital gurney with medical therapy in place. There was a large surgical gauze attached to his chest. The decedent's eyelids and lips appeared swollen. I did not see any obvious signs of lividity or rigor mortis. I placed paper bags on the decedent's hands and secured them with zip ties to preserve any possible evidence. I took digital photographs of the decedent to document his condition. Deputy LORENZANA and I wrapped him in sheets and a plastic shroud and moved him onto our gurney. I recovered the decedent's clothing from underneath the hospital gurney which consisted of a cut pair of boxers, socks, and shoes. Deputy LORENZANA recovered three vials of blood from the lab. I issued Coroner's receipt number 28235 for the decedent's body, boxers, socks, shoes, and three vials of blood.

About 1520 hours, we secured the decedent in our van and left the hospital.

About 1535 hours, we arrived at the Coroner's Bureau and processed the decedent into the morgue. I took an intake photograph and secured his clothing into drying cabinet number 4. (JPI1652)

Body Identification:

The decedent was personally identified by his mother, W [REDACTED] who was at the hospital.

Oscar Julius GRANT III is the decedent's true name. (JPI1652)

At 0500 hours, Wednesday, 01/29/09, The Coroner's Bureau received a positive identification from CIB for Oscar GRANT. I (ABRAMS) placed the form in the case file. (PRA3493)

Next of Kin Investigation:

The decedent was never married and has one minor child with S [REDACTED] M [REDACTED]

The decedent's next of kin is his daughter, T [REDACTED] who is four years old. T [REDACTED] lives with her mother S [REDACTED] M [REDACTED]

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FEB 23 2019
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Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

The decedent's mother is W [REDACTED] (JPI1652)

Other Agency Reports:

BART Police Department report number 09-010027 and Detectives J. ENRIQUEZ #456 (510) 464 7049 and A. MCNACK #460 (510) 464 7047 were assigned to this case. (JPI1652)

Property and Evidence:

Coroner's receipt number 28235 was issued for the decedent's body, clothing, and three vials of blood. (JPI1652)

Coroners Fees:

On Thursday, January 01, 2009, about 1800 hours, I (PIYAMANOOTHAMKUL) telephoned W [REDACTED] and explained the Coroner's involvement and the fees associated with this case. W [REDACTED] has not selected a mortuary but will have one contact us for removal. (JPI1652)

On Friday, January 02, 2009, about 0945 hours, I spoke to BART PD Detective M [REDACTED] who told me the incident occurred while the decedent was under detention but the incident is still under investigation. (JPI1652)

On Monday, January 5, 2009, per Lieutenant H. JACOBSON, fees for this case are the standard \$321.00 for removal of the body and body preparation. (FJG#10))

Other Investigative Details/ Supplemental Information:

On Thursday, January 01, 2009, about 1001 hours, I (PIYAMANOOTHAMKUL) spoke to BART PD Officer D. REESE #472 who was at the scene at Highland Hospital regarding this case. Officer REESE had no information on this case and told me he was unavailable to speak with me. I spoke to Alameda County Sheriff's Office Highland Deputy D. COLADONATO #1154 and told her to keep all medical therapy in place and move the decedent to the morgue. Deputy COLADONATO told me they were in the process of moving the decedent.

About 1010 hours, I left a courtesy telephone message for Oakland Police Department Sergeant J. RULLAMAS to notify him of the incident in case they will be involved in this case.

About 1012 hours, I telephoned BART PD dispatcher and was transferred to Commander M. WHITE who told me the following. The incident occurred on 01/01/09 at 0202 hours on the southbound Fruitvale platform and is still under investigation; no other information was available. Commander WHITE requested a press hold on this case and told me the investigating detectives will be present for the autopsy. Detectives J. ENRIQUEZ and A. MCNACK were assigned but were unavailable to speak to me. A copy of the BART PD'S report is unavailable pending completion.

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FEB 23 2019

RELEASED TO: SB1421
BY: [REDACTED]
DATE: [REDACTED]



Alameda County Sheriff's Office
Gregory J. Ahern, Sheriff / Coroner
Coroner's Bureau, 480 4th Street, Oakland, CA
94607-3829
(510) 268-7300 / (510) 268-7333 (fax)

4

About 1030 hours, Coroner's Supervisor YOST notified the on call management Captain T. WRIGHT of the incident.

About 1040 hours, I received a telephone call from BART PD Sergeant A. FUENG (510) 464-7049 who confirmed they will be present for the autopsy. He told me the firearm may be a .40 caliber handgun but is still being investigated. The incident occurred during the detention of several individuals. He added that a copy of the incident report is unlikely to be completed by 01/02/09. (JPI1652)

On Friday, January 02, 2009, about 0945 hours, I met with BART PD Detective M. MAES at the Coroner's Bureau after the decedent's autopsy. Detective MAES told me the following. The standard issued firearm is a .40 caliber Sig Sauer semiautomatic handgun. The decedent was detained at the time of the incident. The officer's name that may have been involved in the incident is being withheld.

About 1540 hours, Coroner Supervisor YOST told me Detective ENRIQUEZ authorized the release of the decedent's name, age, and date of birth; other information is to be forwarded to BART PD Jim ALLISON or Linton JOHNSON at 510 464 7000. (JPI1652)

Findings:

Based on the cause of death related to a gunshot wound, the manner of death is a Homicide. An autopsy was done on January 2, 2009 at the Coroner's Bureau. (FJG#10)

Supervisor Review:

On January 29, 2009, I (GENTLE) reviewed this report and concur with the findings and content. I placed this case to Awaiting Closure. (FJG#10)

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CENTRAL VALLEY
TOXICOLOGY, INC.

Case Name:

Grant,

Oscar

TOXICOLOGY NUMBER: CVT-09-1115

Specimen Description:

Hospital samples: 4.5 ml blood (3 vials) each labeled "01/01; (017488487); (2 vials) Charlie, Three; (1 vial) Grant, Oscar, [REDACTED] Postmortem sample: 7.5 ml leg blood labeled "Grant, Oscar; 2009-00004; 1/2/2009"

Delivered by

Tricor

Date

05-Jan-09

Received by

Bill Posey

Date

05-Jan-09

Request: Complete Drug Screen

Agency Case # 2009-0004

Requesting Agency

Alameda Co. Coroner's Office
Attn: Records
480 4th Street
Oakland CA 94607

Report To

Alameda Co. Coroner's Office
Attn: Dr. Rogers
480 4th Street
Oakland CA 94607

RESULTS

Specimen: Hospital Blood Sample

Complete Drug Screen: Ethyl Alcohol detected. Specific drug assay for Fentanyl performed.
No other common acidic, neutral or basic drugs detected.

Blood Ethyl Alcohol = 0.02 grams%

Fentanyl by Immunoassay = Positive

Fentanyl = 1.7 ng/mL

Blood Fentanyl Ranges
Effective Level: (0.3 - 10 ng/mL)
Potentially Toxic: (> 10 ng/mL)

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Alan D Barbour

Alan D Barbour & B. L. Posey

B. L. Posey

January 13, 2009

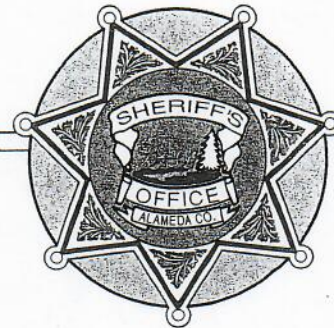
Analyst

B. L. POSEY
S. N. KIMB
Directors

1580 Tollhouse R
Clovis, California 9
Phone (559) 323-1

Alameda County Sheriff's Office

Coroner's Bureau
480 4th Street, Oakland, CA 94607-3829



Gregory J. Ahern, Sheriff

Coroner - Public Administrator - Marshal
Director of Emergency Services

M E M O R A N D U M

DATE: January 2, 2009
FROM: Thomas Wayne Rogers, M.D.
TO: Case File 2009-00004
SUBJECT: AUTOPSY PROTOCOL

Autopsy performed upon the body of Oscar Grant at the Coroner's Bureau, 480 4th Street, Oakland, California, on January 2, 2009, at 9:00 a.m.

AUTOPSY FINDINGS

- 1) GUNSHOT WOUND TO TORSO:
 - A) ENTRANCE - LEFT BACK
 - B) NEAR-EXIT - RIGHT PECTORALIS AREA
 - C) PERFORATING DEFECTS - T10 THORACIC VERTEBRAL BODY, SOFT TISSUE OF TORSO, RIGHT PLEURAL CAVITY, RIGHT LUNG
 - D) RIGHT HEMOTHORAX
 - C) IATROGENIC ABSENCE, RIGHT LUNG.
- 2) SHOCK:
 - A) SOFT-TISSUE EDEMA ABOUT HEAD
 - B) EDEMA, LIPS AND ORBITAL AREAS.
 - C) SUBCONJUNCTIVAL EDEMA
 - D) THIRD-SPACE FLUID ACCUMULATION
 - E) VISCERAL ORGAN ISCHEMIA
 - F) EDEMA OF GALLBLADDER AND INTESTINES.

CAUSE OF DEATH: GUNSHOT WOUND TO THE TORSO.

cc: EMS
District Attorney

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Body of OSCAR GRANT

EXTERNAL EXAMINATION

1

2 The body is that of an African-American male appearing the
3 stated age of 22 years. There is a Coroner's identification tag
4 present on the right big toe. The body is 67 inches long and
5 weighs 209 pounds.

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6 BODY MEASUREMENTS:

7 The distance from the sternal notch to the base of each
8 foot is 57 inches.

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9 The distance from the spinous process of the seventh
cervical vertebral body to the base of each foot is 58 inches.

11 The distance from the most superior aspect of each shoulder
12 to the base of its respective foot is 59 inches.

13 The length of each arm from the most superior aspect of the
14 shoulder to the tip of the third finger is 28 inches.

15 The body is presented in a supine position with the head
16 rotated towards the left shoulder. Both arms lie alongside the
17 body. The body is nude. A hospital-type gown does cover the
18 front part of the body about the genitalia area. Paper bags
19 cover the distal aspects of both arms.

20 There is BLOOD over the following areas of the body:

21 1) Blood on the torso. This is present in the right
22 pectoralis area, extending into the right lateral side of the

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Body of OSCAR GRANT

45 7) Electrical conduction pads on the torso and the lateral
46 aspect of the left thigh.

47 8) An I.V. catheter in the right groin, secured by a
48 dressing.

49 9) A cardiac monitoring pad on the right side of the
50 chest.

51 10) A surgical dressing over the right side of the chest.
52 Removal of this reveals a right thoracotomy incision. This
53 extends from the right midclavicular line, to the right, below
the nipple, and ends in the midaxillary line. On the right
55 lateral side of the chest, a second incision extends inferiorly
56 from the main incision. This is approximately 2 inches in
57 length. Both incisions are closed by staples.

58 11) A Foley catheter in the external genitalia.

59 12) Two I.V. catheters in the left groin, secured by a
60 dressing as well as suture material.

61 13) A fecal collection catheter present in the rectum.

62 14) Tubes of hospital blood presented with the body. These
63 are in a plastic bag attached to the right big toe.

64 There are the following BLUNT INJURIES to the body:

65 HEAD AND NECK:

66 None present.

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Body of OSCAR GRANT

89 ABRASION COLLAR: Present.

90 PRODUCTS OF COMBUSTION: None present.

91 OTHER: Just medial to this gunshot wound are two
92 abraded areas of the skin, each about 1/8 inch in greatest
93 dimension. The furthest one is located 7/8 inch medial to the
94 gunshot wound. Also, over the midline of the back, at the same
95 level as the gunshot wound, is a linear, 2-inch, slightly red
96 abrasion. About 2-1/4 inches inferior to the gunshot wound is a
97 1-inch area of punctate abrading, red in color.

3 2) TYPE: A near-exit gunshot.

99 This is located in the right pectoralis area, 3-1/4
100 inches below and 5-1/4 inches to the side of the manubrium. It
101 is a roughly rectangular shaped defect measuring 7/8 x 1/2 inch.
102 Historically, a bullet was recovered from the hospital. This is
103 consistent with the location. The edges of this are mostly non-
104 abraded, although there is some abrading to the medial and the
105 lateral aspects of this area. The possibility of this being a
106 near-exit wound in combination with an iatrogenic incision
107 cannot be excluded. The surrounding skin is prominently
108 ecchymotic with a purple color.

109 The hair is about 1 inch long. Pupils are round. Irides
110 are brown. Sclerae are white with prominent subconjunctival

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Alameda County

Body of OSCAR GRANT

133 indentation site. This also corresponds to the size, shape and
134 location of the tie that secured the paper bag on this
135 extremity. Otherwise, no indentation sites are noted about
136 either wrist or arm.

137 The fingernails are of moderate length, intact, and without
138 observable tissue beneath them. No smoke, powder or stippling
139 is identified on either arm or hand. No further needle puncture
140 marks are present. No hyperpigmented scars are present over
141 accessible veins. Over the dorsal aspect of the left index
142 finger, over the PIP joint, is a 1/8-inch white scar. There is
143 a 1/8-inch area of white scarring over the first knuckle of the
144 left thumb. There is a 1/8-inch scar well healed over the PIP
145 joint of the lateral side of the left third finger. There is a
146 1 x 1/8-inch well-healed scar over the dorsal aspect of the
147 right hand. There is a 1/2-inch linear scar, well healed, also
148 over the dorsal aspect of the right hand, very close to the
149 border of the wrist. There is a 1/8-inch area of white
150 scarring, well healed, over the third knuckle of the right hand.
151 There are three small areas of white scarring over the right
152 fifth finger, on the dorsal side, all well healed. There is a
153 well-healed 1/2-inch scar over the dorsal right thumb, adjacent
154 to the nail. There is a well-healed 3/8-inch linear scar over

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Alameda County

Body of OSCAR GRANT

177 angle, and towards the front of the body at a 40-degree angle.

178 AREAS INVOLVED: Soft tissue of the torso, T10 vertebral
179 body, right pleural cavity, and right lung.

180 EXIT: There is a possible near-exit in the right
181 pectoralis area.

182 BULLET: Historically, a bullet is recovered in the
183 hospital. This is not presented at autopsy.

184 This is a hemorrhagic gunshot wound.

185 No smoke or powder is noted along the path of the
186 entrance wound.

187 DESCRIPTION: This gunshot wound enters in the left
188 back. It passes through the T10 thoracic vertebral body. It is
189 posterior to the spinal canal. It penetrates into the medial
190 aspect of the right pleural cavity. Historically, it passes
191 through the right lung. The right lung is iatrogenically
192 absent. From here it presumably exits the anterior or anterior-
193 lateral aspect of the right pleural cavity, and the bullet is
194 recovered in this area. Bony defects consistent with a bullet
195 wound are not identified in the ribs.

196 OTHER: In association with this gunshot wound is a
197 1000-cc right hemothorax.

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Alameda County

Body of OSCAR GRANT

220 Pleural surfaces are stripped, individual ribs are
221 dissected around, and soft tissue is taken down from around the
222 ribs. No further abnormalities are noted.

223 The right thoracotomy incision enters into the right
224 pleural cavity.

225 There is a sutured defect about 2-1/2 inches in length in
226 the right hilar area. This oversews vessels entering and
227 exiting the lung at this area of the body, along with the
228 mainstem bronchus.

2 HEART: In situ, the heart is normal, with the apex at the
230 left midclavicular line. The heart weighs 400 grams. The
231 epicardial surface is smooth and glistening. Ventricular
232 myocardium is brown. Chambers are normal. Valves are normal.
233 No left ventricular hypertrophy is present. No asymmetric
234 hypertrophy is present. No myxoid degeneration of the mitral
235 valve is present. No vegetations are present on valve leaflets.
236 Coronary ostia are patent. The coronary system has its usual
237 anatomical distribution and is nonremarkable. No thrombi are
238 present.

239 VESSELS: The right pulmonary artery and pulmonary veins
240 are iatrogenically oversewn at the surgical margin. The aorta
241 and tributaries are nonremarkable. The pulmonary artery trunk

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Alameda County

Body of OSCAR GRANT

264 saponification is noted.

265 SPLEEN: The spleen weighs 120 grams. Its capsule is gray
266 and smooth. Its parenchyma is red-purple and soft.

267 ADRENAL GLANDS: The adrenals are normal in size and have
268 their usual triangular shape. Sectioning of them reveals non-
269 remarkable cortex and medullary parts. No hemorrhages are
270 present.

271 KIDNEYS: The kidneys weigh 140 grams each. Surfaces are
272 smooth. Parenchyma is brown and pale. There is a distinct
273 corticomedullary separation. Papillae are normal. The calyces
274 and pelves of both kidneys are nonremarkable. No obvious
275 abnormalities are noted of the ureters. No stones are present.

276 BLADDER: The bladder contains no urine. It is lined by a
277 tan mucosal surface. No trabeculation or tumors are present.
278 No diverticula are noted.

279 PROSTATE: The prostate is of normal size. Its parenchyma
280 is yellow-white and rubbery. No tumors are noted.

281 TESTICLES: Both testicles are examined and are non-
282 remarkable.

283 MUSCULOSKELETAL SYSTEM: Soft tissue is incised about both
284 wrists, and no abnormalities are noted. All knuckles are
285 incised, and no abnormalities are noted. The rectus abdominis

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SANTA CLARA COUNTY
CORONER'S OFFICE

Sheriff-Coroner
Alameda County


Body of OSCAR GRANT

- 308 4) Liver
309 5) Bile
310 6) Tissue
311 7) Histology sections
312 8) Hospital specimens.

313 EVIDENCE COLLECTED:

- 314 1) Scalp hair
315 2) Nail clippings
316 3) Blood.

318
319
320 TWR/cah


Thomas Wayne Rogers, M.D.

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POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

CODE SECTION(S)

242PC/148(a)(1)PC/OIS

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting and Obstructing/Officer-Involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Investigative Supplemental 4:

Wednesday, 1-21-2009:

At about 0425 hours, Sergeant Fueng #S47 interviewed BART Police Dispatcher Oliva #J-185. See Fueng's supplement.

Thursday, 1-22-2009:

At about 0545 hours, Fueng interviewed BART Police Dispatcher Devera #J-279. See Fueng's supplement for details.

Saturday, 1-24-2009:

I was made aware of additional video footage showing Officer Pirone possibly punching Grant in the face. I reviewed this video on the KTVU website (<http://www.ktvu.com/video/18425287/index.html>). The Alameda County District Attorney's Office later identified the person who took this video as D [REDACTED] L [REDACTED].

I recognized this video to be the same video already released by KTVU several days after the shooting. The video appears to be from a cell phone inside of a train car south of the shooting incident. I will refer to this video as the L [REDACTED] video. At this time, there are 4 known videos of the incident (C [REDACTED] video, Anonymous video, V [REDACTED] video and the L [REDACTED] video). However, this version of the same L [REDACTED] video focuses on a struggle between Pirone and Grant. This video has good sound however the picture quality is poor.

This video shows (from left to right) R [REDACTED] Grant and J [REDACTED] standing with their backs to the wall. N [REDACTED] was sitting next to J [REDACTED] Officer

REPORTING OFFICER(S)

Enriquez #456

RECORDING OFFICER

#456

DATE / TIME PREPARED

3-24-2009/0900

APPROVED BY:

AFS47325-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

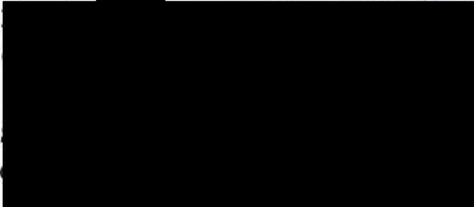
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☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA/IA/Civil☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		
242PC/148(a) (1)PC/OIS		Battery/Resisting and Obstructing/Officer-Involved shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
Pirone, Anthony		800 Madison Street Oakland CA 94607		510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Domenici was standing in front of the group and appeared to have her hand on the chest of one of the subjects. Pirone was crouched over G [REDACTED] who was sitting several feet south of the larger group. Pirone walked away from G [REDACTED] (who appeared to be in handcuffs). Pirone walked toward group and pushed Grant into the wall. There appeared to be a struggle between Grant and Pirone. Pirone extended his right hand toward Grant's head. There was a lot of video movement as people near the recording cell phone can be heard saying, "Oh shit." Grant took a seated position and put his hands up. "Sit down! Right now!" can be heard from the platform as Pirone pulled out his TASER with his left hand. Pirone appeared to be pointing at the ground with his right hand. J [REDACTED] sat down, put his hands up and R [REDACTED] followed by doing the same.</p> <p>Another officer (white male) arrived and Pirone walked southbound on the platform away from camera view. The person recording the video seemed to have put the cell phone down and some conversation can be heard inside the train car. There appears to be a cut or edit in the video as the video instantaneously focused back on the incident. Pirone was standing over Grant who appeared to be sitting while Mehserle struggled with J [REDACTED] (who was standing). It is unclear what Pirone is doing over Grant. Mehserle struggled with J [REDACTED] then drew his TASER. Officer Guerra stood next to Mehserle and appeared to be talking with J [REDACTED]. Mehserle put his TASER back in the holster and proceeded to handcuff J [REDACTED]. Meanwhile, Pirone and Grant seemed to be talking back and forth to each other. Grant moved from a seated position to a kneeling position while he moved his arms in front of him. Mehserle grabbed Grant's left arm and Grant moved to the ground.</p> <p>Pirone was positioned over Grant's head and Mehserle was over Grant's legs. Due to the poor picture quality of this video, Grant's exact body position was not clear. Initially, Grant appeared to be lying on his side but moved to a prone position. During the struggle, Mehserle appeared to reach for something near the small of his (Mehserle's) back then reached for something across his (Mehserle's) body. It is at this point, Grant moved into a prone position but the video is unclear. Mehserle appeared</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
. Enriquez #456		#456	3-24-2009/0900	AFS4732509
DISPOSITION:		COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:		

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours
1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer-Involved shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED; INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>to struggle for Grant's right arm by pulling on the arm with both of Mehserle's hands. Mehserle started to stand up and drew his pistol at the same time. Mehserle stood up over Grant and pointed his pistol at Grant. Simultaneously, it appeared as though Grant moved his hands to a position behind his back as Mehserle fired one shot.</p> <p>People in the train car can be heard saying, "Oh shit! What the Fuck! Look at the cop!" Mehserle reholstered his pistol and put his hands on his head. Mehserle crouched over Grant with his hands on his knees with his head down. Grant rolled over onto his side and Mehserle put his hands on Grant's arm. Officer Flores can be seen pointing his TASER at G [REDACTED] while Pirone stood in front of R [REDACTED] and J [REDACTED]. The train doors closed. End of video.</p> <p>I was given information by the District Attorney's Office that on 1-26-2009, shortly after the fireworks show in San Francisco (between 0030 and 0130 hours), Grant and his companions went to the 7-Eleven store located at 711 Market Street in San Francisco. When the group left the store they took BART. This information came from a follow up interview the District Attorney's Office had with N [REDACTED] B [REDACTED] or A [REDACTED].</p> <p>Monday 1-26-2009:</p> <p>Other Party: L [REDACTED] N [REDACTED] (7-Eleven Store Manager)</p> <p>[REDACTED]</p> <p>At about 1050 hours, I spoke with the manager (L [REDACTED] N [REDACTED]) of the 7-Eleven Store located at 711 Market Street in San Francisco via the telephone. He gave me the names, schedule and contact information of the three employees</p>				
REPORTING OFFICER(S) Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 3-24-2009/0900
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1. CODE SECTION(S) 242PC/148 (a) (1) PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer-Involved shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>working in the store on the night of the 2009 New Year celebration. I will follow up with each employee. N told me that video recording are stored for only one week after the date of recording. The recordings get erased automatically after one week.</p> <p>Per Alameda County District Attorney Inspector Bob Conner, I contacted BART Evidence Technicians Olsen #436 and Maloney #457 and asked if they were wearing gloves while handling evidence at the Fruitvale Platform. Officers Maloney and Olsen told me they were wearing gloves while processing evidence at the Fruitvale platform as it is common practice and an industry standard. They have completed supplemental reports indicating the same.</p> <p>Tuesday, 1-27-2009:</p> <p>cher Party: G Y C (7-Eleven Employee) </p> <p>At about 0500 hours, I went to the 7-Eleven Store located at 711 Market Street in San Francisco. I spoke with G C (later identified with a California ID card). He told me that he was working the night of New Year 's Eve. His work hours that night were 2200 hours to 0600 hours. He was working with Y L and C G. He told me that hundreds of people came into the store on the night of the New Year celebration. I showed him a photo line up containing photos of Grant and his companions to see if he recognized anyone. He told me that he did not recognize anybody and signed the photo line up. I later logged the photo lineup into evidence.</p>				
REPORTING OFFICER(S) Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 3-24-2009/0900
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<p>At about 1137 hours, I submitted several more approved reports as well as audio CDs to Inspector Conner. I was advised that Inspectors Conner and Brock would be assigned to this case and Inspector Moschetti was off the case.</p> <p>Wednesday, 1-28-2009:</p> <p>Upon reviewing my 1st supplement (dated on 1-5-2009), I noticed an error. On page 6 of 16, I wrote that the name of the detained subjects were (from left to right) R [REDACTED], Grant, B [REDACTED] and A [REDACTED]. This is incorrect as the subjects were later identified (from left to right) as R [REDACTED], Grant, J [REDACTED] B [REDACTED] and N [REDACTED] B [REDACTED].</p> <p>Other Party: [REDACTED] L [REDACTED] (7-Eleven Employee)</p> <p>[REDACTED]</p>				
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<p>At about 1520 hours, I went to the 7-Eleven Store located at 711 Market Street in San Francisco. I spoke with Y [REDACTED] L [REDACTED] (later identified with a California ID card). He told me that he was working the night of New Year 's Eve. His work hours that night were 2000 hours to 0400 hours. He was working with G [REDACTED] C [REDACTED] and C [REDACTED] G [REDACTED]. He told me that a thousand people came into the store on the night of the New Year celebration. I showed him a photo line up containing photos of Grant and his companions to see if he recognized anyone. He told me that he did not recognize anybody and signed the line up. I later logged the photo lineup into evidence.</p> <p>At about 1400 hours, Fueng and I looked for J [REDACTED] S [REDACTED] at his listed home address ([REDACTED]). No one answered the</p>				
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POLICE REPORT

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door. I left my business card on the front door and Fueng left a message on the answering machine. S [REDACTED] was an investigative lead referred to us by the District Attorney's Office. S [REDACTED] possibly took video of the incident.

Thursday, 1-29-2009:

Other Party:

C [REDACTED] "J [REDACTED]" G [REDACTED] (7-Eleven Employee)

At about 0500 hours, I went to the 7-Eleven Store located at 711 Market Street in San Francisco. I spoke with C [REDACTED] G [REDACTED] (later identified with a California ID card). He told me that he was working the night of New Year 's Eve. His work hours that night were 2200 hours to 0600 hours. He was working with G [REDACTED] C [REDACTED] and Y [REDACTED] I [REDACTED]. He told me there were a lot of bad people in the store that night. He could not describe anyone. He stated the bad people tried to steal merchandise. I showed him a photo line up containing photos of Grant and his companions to see if he recognized anyone. He told me that he did not recognize anybody and signed the line up. I later logged the photo lineup into evidence.

At about 1915 hours, Fueng interviewed OPD Officer Kemmitt #8425p. See Fueng's report for details.

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Friday, 1-30-2009:

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2 CRIME(S) / CLASSIFICATION(S)

Battery/Resisting and Obstructing/Officer-Involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

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Mehserle's bail was set at \$3,000,000. There were small protests reported in the city of Oakland. I reviewed the 'Motion to Set Bail' prepared by Mehserle's attorney Michael Rains.

1-31-2009 to 2-10-2009:

Off duty and attended training class.

Wednesday, 2-11-2009:

I spoke with BART Police Range Master Sergeant Paul Garcia who told me that Mehserle had not taken the BART Police Department's Reality Based Training. Mehserle was sworn in as a police officer in 2007. The reality based training was conducted in and around February 2006.

I was advised that Fueng would handle the investigation of any possible criminal conduct by the remaining officers who were on the platform.

I listened to the recording of Train Operator K [REDACTED] W [REDACTED] broadcasting via radio to BART Central. In summary, W [REDACTED] broadcasted that there was a fight on the train involving black males wearing black clothing in the lead car (#381). The fight looked really bad and the incident was spilling off the train. The subjects were trying to disperse. BART Police were on the platform and the subjects were resisting. Police and passengers were in a fight. She heard the shot and did not know where the shot came from. People were blocking the doors and taking videos of the incident.

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Friday, 2-13-09:

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At about 0930 hours, I received data copies of the files used and created by the District Attorney's Office. These files were given to Commander White by DA Lt. Inspector Conner. Included in the files were audio recordings of witness interviews (civilian and officer), transcriptions of some of the interviews, and copies of video evidence.

I spoke with D [REDACTED] S [REDACTED] (from BART Central) who gave me the train car order. The train run was #523 and the cars were (in order from front to back) #381, #1863, #1861, #1883, #1880, #1877, #1603 and #426. He also confirmed that none of the cars had video.

At about 1000 hours, I met with Deputy District Attorney David Stein. I advised Stein of my plan to conduct follow up interviews with civilian witnesses to confirm identities, clarify details and clarify exact locations (via diagram). Stein requested that I do not conduct any follow up interviews with any witnesses. Stein also requested that any subsequent interviews be coordinated through him.

Tuesday, 2-17-2009:

At about 1000 hours, I listened to the interview of Officer Pirone by the District Attorney's Office.

At about 1442 hours, I picked up and reviewed Alameda County Coroner's report 2009-00004. I will submit this report as a scanned document.

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Wednesday 2-18-2009:

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At about 0800 hours, I listened to witness M [REDACTED] T [REDACTED] interview by District Attorney Inspector Moschetti.

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At about 0858 hours, I listened to witness C [REDACTED] F [REDACTED] interview

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by the District Attorney's Office. F [REDACTED] stated that Grant boarded at the Berkeley BART Station at about 2300 hours on 12-31-2009.

At about 0930 hours, I listened to Oakland Police Department's interview of BART Police Officer Knudtson. Knudtson stated in his interview that shortly after the shooting, Knudtson pulled Mehserle aside and told him (Mehserle) not to talk to anybody, to contact LDF (Legal Defense Fund), and to keep his gun in his holster.

At about 1015 hours, I listened to Oakland Police Department's interview of BART Police Lieutenant Franklin.

I met with DA Inspector Brock and gave him the software that would allow him to view BART video files and the Coroner's report.

Tuesday 2-24-2009:

At about 1015 hours, I met with J [REDACTED] R [REDACTED]. He is a BART Communication Technician. He told me in summary that on 1-1-2009, he was made aware of the shooting and was asked to provide a copy of any station video to the BART Police Criminal Investigations Section. He told me that he located the files (as he routinely does) at the Test Desk located in the basement of the Lake Merritt BART Station. He told me the Fruitvale video files were stored in server #2 at the Test Desk. After locating the files, he copied the files from server #2 onto the desktop at the Test Desk. He then loaded a blank CD-R into the computer and burned the files from the desktop onto the CD-R. He told me copying station videos onto a CD-R is a routine task. Files are stored in the servers for about 18 days then get erased automatically.

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Enriquez #456

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Wednesday, 2-25-2009:

Witness Information

S [REDACTED] H [REDACTED]
 [REDACTED]

At about 1022 hours, I conducted a phone interview with witness S [REDACTED] H [REDACTED] (I will refer to her as S [REDACTED] in this report). She currently lives in the state of Virginia and is not familiar with the BART system. S [REDACTED] is the sister of B [REDACTED] and was with B [REDACTED] during the shooting.

S [REDACTED] told me in summary that she was with B [REDACTED] S [REDACTED] and her husband A [REDACTED] H [REDACTED] (I will refer to him as A [REDACTED] in this report) on the train when the shooting occurred. They went to San Francisco to watch the New Year's fireworks near the Embarcadero. After the fireworks, they boarded the incident train 2-3 cars from the lead car at a BART station several blocks away from the Embarcadero (possibly Powell or Montgomery) Station. The train was very crowded and there was a lot of commotion. People on the train were intoxicated, loud and happy due to the New Year's celebration. S [REDACTED] did not see a fight on the train.

When the train was at the Fruitvale BART Station, S [REDACTED] was seated facing away from the incident on the platform. She noticed that people nearby (both inside and outside the train) were watching something on the platform. She noticed a male with a child watching an incident on the platform.

She noticed at least two officers run past her train car. She did not see the officers holding any weapons. She noticed that there were several male subjects standing in the train doorways blocking the doors from

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closing. After several moments, S [REDACTED] heard the gun shot. The train operator broadcasted (via the public announcement system) for people to move/clear the train doors. The train operator had fear in her voice when she broadcasted.

When the train moved (after the train doors were cleared), S [REDACTED] saw the incident on the platform. She saw two detained subjects lying down on their stomachs. She did not see any weapons in the hands of the detainees or the officers.

She did not recognize any of the people detained on the platform from her train ride or from in her train car. She did not notice whether the officers on the platform had weapons in their hands. S [REDACTED] did not see the shooting.

I was advised by Conner of new videos. I requested a copy of the video and was referred to Stein.

Thursday, 2-26-2009:

Witness Information

A [REDACTED] H [REDACTED]
[REDACTED]

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I conducted a phone interview, with witness A [REDACTED] H [REDACTED] at about 0845 hours. In summary A [REDACTED] told me he was visiting family in Fremont and decided to go to the fireworks show in San Francisco. He took the train

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from the Fremont BART Station to the Montgomery BART Station. He watched the firework at the Embarcadero (near the water). He was with S (wife), B (sister-in-law), and S (nephew). He was wearing eye glasses because he is near sighted. He stated that people were in good spirits. After the fireworks show, they took BART a few stations away from the fireworks show (possibly Powell or Civic Center) with the intention of returning to the Fremont BART Station. He did not notice any fights in his train car during his ride from San Francisco to Oakland. He noticed some arguments in his car due to the crowded train car and intoxicated patrons. They were seated three cars from the front of the train.

A noticed many people on the platform waiting to board the train when the train pulled into either the Lake Merritt BART Station or West Oakland BART Station. A was confused between the West Oakland BART Station and the Lake Merritt BART Station. He believed the overly crowded rain cars increased tension in the train. At that time, there was almost an altercation in his car because of people pushing their way into a crowded car. There was an unrelated verbal confrontation between two women (both about 20-30 years old) during this ride. One female was Hispanic with children and the other was an intoxicated Italian.

When the train pulled into the platform at the Fruitvale BART Station, several people off boarded the train and began telling others in the train that there was a fight on the platform. He saw people from the second car off board to watch the incident. A watched the incident through the window and was only able to see 'scuffling'. He could not tell who was who. The first officer he noticed was a Latina female BART Officer who ran by his train car with a weapon in her hand. Adam could not be specific as to the type of weapon in her hand. The next officer he noticed was a white male officer with a yellow item in his hand who also ran by his car.

After about 3-4 minutes some people that were outside of the train car, boarded the car and some stayed out. A then heard the 'gunfire'. He

REPORTING OFFICER(S)

T. Enriquez #456

RECORDING OFFICER

#456

DATE / TIME PREPARED

3-24-2009/0900

APPROVED BY:

AFS47 32509

POSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA/IA/Civil☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

CODE SECTION(S)

242PC/148(a)(1)PC/OIS

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting and Obstructing/Officer-Involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

told his family to stay down. The train doors were still open and people on the platform began boarding the train. A [REDACTED] heard the train operator say (with fear in her voice), "Get in the car! I'm closing the doors!" There was a person in his car that was keeping the doors from closing. After a few moments the doors eventually closed.

When the train began to move, A [REDACTED] was able to see the incident. A [REDACTED] saw a subject (possibly G [REDACTED] in handcuffs facing the incident. He saw three uniformed officers and saw one individual (possibly Grant) lying down. He does not know if the subject lying down was in handcuffs. This person's arms were near his body. He did not see the officers holding any weapons. He did not notice whether the officers were providing medical aid. Adam does not know of anymore videos or photos. He heard some yelling toward the area of the officers but could not make out what was said. He also heard the sound of cheering toward the detainees. He estimated he was about 50 feet from the scuffle between the officers and the detainees. He did not see the shot, only heard the gun fire. He could not make out whether the detainees were resisting the officers.

At about 1030 hours, Fueng and I met with Brock and Conner at the Alameda County District Attorney's Office. They showed us videos (new to me) taken by J [REDACTED] D [REDACTED] and M [REDACTED] C [REDACTED]. The D [REDACTED] video shows a different angle of the incident. D [REDACTED] appeared to be the same subject (wearing a red hat) who was holding a cell phone to Domenici's face in the V [REDACTED] video. The subject taking this video was yelling at the officers. Apparently J [REDACTED] D [REDACTED] is not the same person as J [REDACTED] S [REDACTED] (who was referred to in this report on 1-28-2009).

FEB 23 2019

I was advised by Brock that they have identified the subject who took the video I previously called anonymous video as M [REDACTED] C [REDACTED]. The C [REDACTED] video was taken in a position next to T [REDACTED] C [REDACTED]. Brock provided me with additional short video clips that were taken by C [REDACTED] before and after the shooting. I will now refer to this video as the C [REDACTED] video. The identity of the person that took this video was previously unknown to me.

REPORTING OFFICER(S)

Enriquez #456

RECORDING OFFICER

#456

DATE / TIME PREPARED

3-24-2009/0900

APPROVED BY:

AF 8473-25-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA/IA/Civil☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours	
1. CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer-Involved shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>Brock also advised me that they identified the person who took the cell phone video. His name is D [REDACTED] I [REDACTED] Conner and Brock interviewed both I [REDACTED] and C [REDACTED]. Conner advised me that he would provide BART PD a copy of the interview summaries. At this point of the investigation, there are five known amateur videos of the Officer-Involved shooting: V [REDACTED] I [REDACTED] C [REDACTED] C [REDACTED] and D [REDACTED]. Brock gave Fueng a CD copy of the videos and Fueng submitted it into evidence.</p>					
<p>Witness Information</p> <p>I [REDACTED] Y [REDACTED]</p> <div style="background-color: black; width: 280px; height: 120px; margin-top: 10px;"></div>					
<p style="color: red; font-weight: bold; transform: rotate(-5deg);">CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">FEB 23 2019</p> <p style="color: red; font-weight: bold;">RELEASED TO: <u>501421</u> BY SAP J-265</p>					
<p>At about 1510 hours, I met with witness L [REDACTED] Y [REDACTED] at 4100 Redwood Road in Oakland. We conducted the interview in the parking lot of her work. I recorded the interview with my digital recorder. I later burned the recording onto a CD-R and logged it into evidence. Y [REDACTED] told me in summary that she went to San Francisco the night of the incident with her boyfriend M [REDACTED] W [REDACTED] to watch the fireworks. They arrived in San Francisco at about 2230 hours. They took BART from the Embarcadero BART Station on 1-1-2009 at about 0130 hours. The train was "completely packed." She was able to get a seat when the train reached the Fruitvale BART Station. She noticed the train had not moved for awhile and then noticed officers arriving at the station. Y [REDACTED] was watching the incident through her window. She noticed that officers had pulled people out of the train car connected to hers. She saw a 'scuffle'. She did not know what was going on.</p>					
REPORTING OFFICER(S) Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 3-24-2009/0900	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)	
242PC/148(a) (1) PC/OIS	Battery/Resisting and Obstructing/Officer-Involved shooting	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE
Pirone, Anthony	800 Madison Street Oakland CA 94607	510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

There were three kids up against the wall and one was lying down on his stomach with hands in a position behind his back. Y consistently referred to the involved subjects on the platform as 'kids'. All of a sudden the three kids stood up. The kids were going outrageous against the cops. She heard them say things like, "Bitch! Fuck you! You pigs!" She did not hear the officers yell. The officers tried to keep everyone under control. The officers were trying to get the kids to sit down and keep them out of the officers' faces. The officers were trying to push them back. The situation was intense.

Toward the end of the incident, more kids got off her train car and yelled at the cops. They were all black males wearing 'gangster' clothing, about 18-30 years old. The cops were trying to get them under control. The cops looked like they were going to get their 'asses whooped' by all the kids. She was not sure which train car she boarded. She was about 50 feet from the incident and stated that she felt like she had front row seats because she could clearly see what was happening through the windows. She was seated in a seat that faced the rear of the train. There was a lot of yelling between the kids and the cops. She did not understand what was going on. She did not notice any fights or arguments in her train car. Her attention was brought to the incident on the platform when she saw police running by. She saw two male officers (both white) and one female officer. She did not remember the order they came nor did she see whether they were holding any weapons. The three subjects that were sitting down, stood up and got in the faces of the officers. They were belligerent toward the officers. This activity went on for about 5 minutes. Then 5-6 black males got off her train car and started yelling profanities toward the officers. She heard one of them say, "get his badge number!" The subjects were calling the officers 'bitches'. More officers arrived and knocked one suspect down. The kid that was knocked down was the main kid talking a 'bunch of smack'. The other kids backed off. The officers approached the subjects who got back on the train and the train left.

REPORTING OFFICER(S)	RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
Enriquez #456	#456	3-24-2009/0900	AFJ473-25-09
DISPOSITION:	COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> OTHER: DA/IA/Civil		
<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:		

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

CODE SECTION(S)

242PC/148(a)(1)PC/OIS

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting and Obstructing/Officer-Involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street Oakland CA 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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Y [REDACTED] did not hear the gunshot. She never saw any weapons being held by the officers or by the kids. She was afraid because she thought that the kids were going to overpower the officers. The officers were outnumbered and overpowered. She did not notice the second group (from her train car) until they off-boarded and started yelling at the officers. She did not remember them from the ride. Y [REDACTED] described this group as a bunch of 'bad asses' with no reverence for the officers' authority. This group was angry and out of control. The only description Y [REDACTED] was able to provide me of the subjects detained on the platform was bigger, African American boys 18-30 years old. They were resistive toward the officers. The group (from her car) was out of control. As the train pulled away, she noticed more officers than subjects on the platform. She only saw two subjects lying on the ground handcuffed; the subject initially handcuffed (possibly G [REDACTED] and the other who was later knocked down (possibly A [REDACTED]).

When the train left the station, the subjects that were yelling at the officers moved to a train car toward the rear of the train. Someone in the group said, "We need to get out of here." She told me that she did not come forward as a witness earlier because she felt her statement was not important. Y [REDACTED] explained to me that she has a neutral view of law enforcement with no friends and no family that are in the field. After the interview, I attempted to call W [REDACTED] via the cell phone number provided to me by Y [REDACTED]. I left a message on W [REDACTED] voicemail.

I later noticed that on the audio recording of the interview, I mistakenly stated that the date of the interview was 2-25-2009.

Friday, 2-27-2009:

At about 1205 hours, I picked up lab results from Alameda County Coroner's Office. I will submit the lab results as a scanned document.

REPORTING OFFICER(S) Enriquez #456	RECORDING OFFICER #456	DATE / TIME PREPARED 3-24-2009/0900	APPROVED BY: AF 547 3-25-09
POSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil	<input type="checkbox"/> FAXED TO:

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
ALAMEDA COUNTY CORONER'S OFFICE

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours
CODE SECTION(S) 242PC/148(a)(1)PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer-Involved shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Tuesday 3-3-2009:</p> <p>At about 1000 hours, I met with D [REDACTED] D [REDACTED], who is a graphic designer for BART. I asked him to create a diagram containing the same 8 car train as the train on the Fruitvale Platform on 1-1-2009.</p> <p>I spoke with CHP Communications Supervisor K [REDACTED] M [REDACTED] regarding the CHP dispatch call logs/recordings. She told me that she mailed the logs on 3-2-2009.</p> <p>At about 1318 hours, I called W [REDACTED] cell phone and a male voice answered. When I asked for M [REDACTED] W [REDACTED] the phone hung up. I called back and left a message on the voicemail.</p> <p>Wednesday, 3-4-2009:</p> <p>I reviewed all videos and listened to recordings of interviews with Y [REDACTED] and S [REDACTED]. I also met with D [REDACTED] to discuss the diagram.</p> <p>Thursday, 3-5-2009:</p> <p>Witness Information</p> <p>M [REDACTED] R [REDACTED] S [REDACTED]</p> <div style="background-color: black; width: 250px; height: 100px; margin-top: 10px;"></div> <p>At about 1030 hours, I received the CHP CAD log and dispatch tape of</p>				
REPORTING OFFICER(S) Enriquez #456		RECORDING OFFICER #456	DATE / TIME PREPARED 3-24-2009/0900	APPROVED BY: AFS4732509
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:		

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)	
242PC/148(a)(1)PC/OIS	Battery/Resisting and Obstructing/Officer-Involved shooting	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE
Pirone, Anthony	800 Madison Street Oakland CA 94607	510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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this incident. I copied the recording from the cassette tape onto my digital recorder. I copied the recording onto a CD-R and submitted the recording into evidence as well as the original cassette tape (sent by CHP). The call was made by a male subject who requested to remain anonymous. The call was transferred by CHP dispatch to BART dispatch. After a brief conversation, in which the male reported that he witnessed police using excessive force at the Fruitvale BART Station, the call ended.

At about 1115 hours, I called the number listed on the attached CHP call log. I spoke with a subject named M [REDACTED] S [REDACTED] and he told me that he called 911 from his cell phone on 1-1-2009 after witnessing the incident on the Fruitvale Platform. He reported the incident to CHP. S [REDACTED] voice sounded like the anonymous caller. He was later contacted by BART PD Internal Affairs Sergeant Chlebowski #S55 sometime between January 12 and January 14, 2009. S [REDACTED] told Chlebowski what he saw. S [REDACTED] told me that he wanted to tell me what he saw. I conducted a phone interview with S [REDACTED] I recorded this interview with my digital recorder. I later burned the recording onto a CD-R and logged the CD-R into evidence.

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BY SAP I-285
CONFIDENTIAL

He told me in summary that he was in San Francisco near the Powell Street BART Station to celebrate the New Year. After drinking about 7 alcoholic beverages, he and his girlfriend (who wished to remain anonymous) took the train from the Powell BART Station. S [REDACTED] told me that he was intoxicated. His intention was to get off at his stop (Coliseum BART). He did not notice any fights on the train during his train ride from San Francisco. When the train stopped at the Fruitvale station his attention was drawn to a police officer who yelled into the train at a black male subject. The officer is described as a male (possibly light skinned Hispanic or White). The officer yelled something like, "I told you to get the fuck off the train!" The officer grabbed the above mentioned black male by his neck or shoulders and pulled him off the train. He noticed there were other subjects detained on the platform. There was a group of 2-3 males detained against the wall and a subject

REPORTING OFFICER(S)	RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
Enriquez #456	#456	3-24-2009/0900	AFS47 3-25-09
POSITION:	COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> OTHER: DA/IA/Civil		
<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours
CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		
242PC/148 (a) (1) PC/OIS		Battery/Resisting and Obstructing/Officer-Involved shooting		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
Pirone, Anthony		800 Madison Street Oakland CA 94607		510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>lying on the floor in handcuffs. The patrons in the train car became aware of the incident because of the officer's tone and words. The patrons on the train became upset and vocal. S [REDACTED] told me he was seated about 20 feet away from the location the officers and detainees were located. There were people on the train that wanted to take video of the incident. S [REDACTED] was holding the train doors open with his feet. He could not hear anything on the platform because there was a lot of noise inside the car. The subjects detained against the wall did not appear to be physically resisting.</p> <p>At one point he noticed an officer wrestling with a subject on the ground. People around him were trying to get a better view. Patrons around him started getting excited and yelled for the officer to get off him. He heard the gunshot but did not see the shooting. The train car got quiet, then loud again. People were yelling, "They shot him."</p> <p>The train pulled away from the station. S [REDACTED] off boarded at the Coliseum BART Station and called 911.</p> <p>At about 1446 hours, I interviewed BART CSO Kyle Potter #J296 regarding the process of copying and storing BART Station videos. He told me in summary that he searched for station and train videos upon my request shortly after the incident. Under normal request for station video evidence, BART Communication Technician J [REDACTED] R [REDACTED] would copy the video from the server onto a CD-R and provide it to police. Due to the urgency of this incident, Potter proceeded directly to the BART Communications and Engineering Department located in the Lake Merritt BART Station basement. Potter located server (#2) which contained the Fruitvale Station video. He located the video and copied it onto his USB storage device. He took the storage device to his work computer and loaded the storage device into his external hard-drive and copied the video files into his hard drive. He then burned the files from the hard drive onto a blank CD or DVD and submitted this disk into evidence. Potter later copied video files from his USB storage device onto my computer.</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
Enriquez #456		#456	3-24-2009/0900	AFS47 32509
POSITION:		COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> OTHER: DA/IA/Civil		
<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours	
CODE SECTION(S) 242PC/148 (a) (1) PC/OIS		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting and Obstructing/Officer-Involved shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street Oakland CA 94607		5. PHONE 510-464-6000	
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<p>Friday, 3-6-2009:</p> <p>I received the final draft of the platform diagrams from BART Graphic Designer Defrates to be submitted to the Alameda County District Attorney's Office.</p> <p>Tuesday, 3-10-2009:</p> <p>I discovered that there were missing BART PD Dispatch audio recordings associated with this case. I had originally reviewed 80 tracks of Dispatch audio that was pulled by Dispatch Supervisor Jean Mulligan #J-169. I had BART PD Dispatch Supervisor Gary Hesson #J-194 review all Dispatch audio recorded at about the time of the officer-involved shooting.</p> <p>I met with DDA Stein and DA Inspector Brock at about 1100 hours. I gave them diagrams of the Fruitvale Platform. We also discussed my chain of custody involvement with witness C [REDACTED] memory card. I also advised Stein of the newly discovered Dispatch recordings.</p> <p>Wednesday, 3-11-2009:</p> <p>At about 1345 hours, I checked the BART Central audio recordings. I met with Central Manager P [REDACTED] F [REDACTED] who assisted me. I discovered there was one other recording that was not submitted or reviewed. All the Central recordings were saved under their respective GMT (Greenwich Mean Time) time stamp. The timestamps appeared to be close to real time. I reviewed</p>					
REPORTING OFFICER(S) . Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 3-24-2009/0900	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:			

FEB 23 2019
 RELEASED TO: SB 471
 BY SAP J-965
 BART POLICE DEPARTMENT
 CONFIDENTIAL

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-01-2009/0200 hours

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)	
242PC/148 (a) (1) PC/OIS	Battery/Resisting and Obstructing/Officer-Involved shooting	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE
Pirone, Anthony	800 Madison Street Oakland CA 94607	510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

the recordings and noticed Central advised Train Operator W [REDACTED] that her train was released at about 0210 hours. Toward the end of the recording, W [REDACTED] acknowledged Central's release. It should be noted in W [REDACTED] next transmission to Central, W [REDACTED] advised she heard shots fired. I copied the files from F [REDACTED] computer onto a USB memory storage device. I took the USB device to my work computer and burned the files onto a CD. I later logged the CD into evidence.

Thursday, 3-12-2009:

I met with Hesson and he provided me with a total of about 158 recordings. 78 of these recordings were new to me. These recordings were saved under their respective GMT timestamps. Each GMT timestamp showed the time the recording was completed. Additionally, Hesson also told me the GMT timestamp was about 3 minutes and 25 seconds faster than real time. He brought all the audio files to me via a USB memory storage device and copied the files onto my computer. I later burned the files onto a CD and logged it into evidence.

I reviewed the files and noticed BART PD Dispatch broadcasted call details to officers responding to the Fruitvale Platform. Dispatch broadcasted the location on the train (lead car), no weapons and the involved was a large group of black males all wearing black clothing. They were still engaged according to Dispatch. This broadcast was recorded at about 0203 hours.

FEB 23 2019

There was also a broadcast recorded on the Zone 1 radio channel in which Pirone asked Domenici to meet with him on platform 1. This broadcast was recorded at about 0205 hours.

REPORTING OFFICER(S)	RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
Enriquez #456	#456	3-24-2009/0900	AFS4732509
DISPOSITION:	COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED	<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE		
<input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	<input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-01-2009/0200 hours
1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)			
242PC/148(a)(1)PC/OIS	Battery/Resisting and Obstructing/Officer-Involved shooting			
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE		
Pirone, Anthony	800 Madison Street Oakland CA 94607	510-464-6000		
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Post shooting, at about 0250 hours, Pirone called Dispatch and advised that the subject previously arrested for 647(f)PC [BART PD Case #0901-0023] was reprimanded and released.</p> <p>There were other miscellaneous Dispatch recordings (i.e. primary radio channel, tactical channels and phone recordings) with minimal evidential value.</p> <p>Friday, 3-13-2009:</p> <p>At about 0900 hours, I dropped off CD copies of the updated Dispatch recordings and Central recording at the Alameda County District Attorney's Office. I left the CDs with the receptionist. Stein later called me and told me he received the CDs.</p> <p>Tuesday, 3-24-2009:</p> <p>At about 1245 hours, I picked up Grant's GSR kit from BART PD Evidence Clerk Sap and dropped it off at the Alameda Crime Lab for processing. I gave it Alameda County Criminalist Michelle Hensley at about 1345 hours.</p> <p>I have completed my investigation of the officer-involved shooting up to this point. The BART Police Department Criminal Investigations Section will continue to seek other witnesses and other evidence. We will continue to provide the Alameda County District Attorney's Office with completed portions of our investigation.</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
. Enriquez #456		#456	3-24-2009/0900	AFS47 3-25-09
DISPOSITION:		COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA/IA/Civil <input type="checkbox"/> FAXED TO:		

BART Police Case # 0901-0027

Officer N. Flores #552

Witness Statement

01/01/2009 at 1040 Hours

On 01/01/2009, at about 0202 hours, Officer E. Knudtson #533 and I (1B14) were in full uniform patrol approaching the MacArthur BART station. At that time, we responded to the Fruitvale BART station on a report of a large group of male subjects fighting on the platform of the station. As we made our way to the Fruitvale station, dispatch advised that an Officer on the scene was struggling with one of the subjects.

As soon as I arrived, I made my way to platform #1 of the station. I reached the platform to try to locate the officer(s). Due to the nature of the initial call and the fact that an officer may be fighting a subject, I deployed my Taser and held it in my hand. I could see a large group of people gathered at the south end of the platform. I ran towards the crowd and I could see a couple of subjects that appeared to be very agitated yelling and screaming in a very aggressive manner at the officers already at the scene. One subject (S1) appeared to be a black male adult, large build, with light brown complexion, wearing a black over sized t-shirt. The second subject (S2) was a black male adult, wearing what looked like a white polo shirt with horizontal stripes. I ordered the first subject to back off or I would tase them. The subject backed off momentarily. The trains' doors were opened and the crowd aboard the train near the door was yelling and screaming at the officers. I heard a pop sound that I believed to be a taser activation. I could not tell where the pop came from due to the yelling and screaming from all subjects and patrons aboard the train being held on the platform. After the pop, I glanced over to where the officers were and it appeared to me as if an officer was handcuffing a third subject (S3) on the ground. I was trying to keep two of the subjects from the officers at taser point. At this point, I was not aware that anyone had been shot. Some of the subjects involved were saying that their friend had been shot. I later noticed that one of the subjects (S3) laying on the ground had what appeared to be blood under him. I did not activate my taser at any of the involved parties.

The first subject (S1) was later detained in handcuffs by one of the officers at the scene due to his unruly behavior.

I helped officer Woffinden by escorting one of the involved parties (S1) to one of the police vehicles in bus zone.

I stayed downstairs near the station agent's booth. At about 0225 hours, I started a log of people entering and exiting the now crime scene at the Fruitvale BART. See the log attached.

CONTROLLED DOCUMENT
DISSEMINATION OF RESISTANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-285
BART POLICE DEPARTMENT
CONFIDENTIAL

Dys A552
01-01-09

BART Police Case # 0901-0027
Officer N. Flores #552
Witness Statement
01/01/2009 at 1040 Hours

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As soon as I arrived, I made my way to platform #1 of the station. I reached the platform to try to locate the officer(s). Due to the nature of the initial call and the fact that an officer may be fighting a subject, I deployed my Taser and held it in my hand. I could see a large group of people gathered at the south end of the platform. I ran towards the crowd and I could see a couple of subjects that appeared to be very agitated yelling and screaming in a very aggressive manner at the officers already at the scene. One subject (S1) appeared to be a black male adult, large build, with light brown complexion, wearing a black over sized t-shirt. The second subject (S2) was a black male adult, wearing what looked like a white polo shirt with horizontal stripes. I ordered the first subject to back off or I would tase them. The subject backed off momentarily. The trains doors were opened and the crowd aboard the train near the door was yelling and screaming at the officers. I heard a pop sound that I believed to be a taser activation. I could not tell where the pop came from due to the yelling and screaming from all subjects and patrons aboard the train being held on the platform. After the pop, I glanced over to where the officers were and it appeared to me as if an officer was handcuffing a third subject (S3) on the ground. I was trying to keep two of the subjects from the officers at taser point. At this point, I was not aware that anyone had been shot. Some of the subjects involved were saying that their friend had been shot. I later noticed that one of the subjects (S3) laying on the ground had what appeared to be blood under him. I did not activate my taser at any of the involved parties.

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CONTROLLED DOCUMENT
DISSEMINATION BY LAW
CONFIDENTIAL

FEB 23 2019

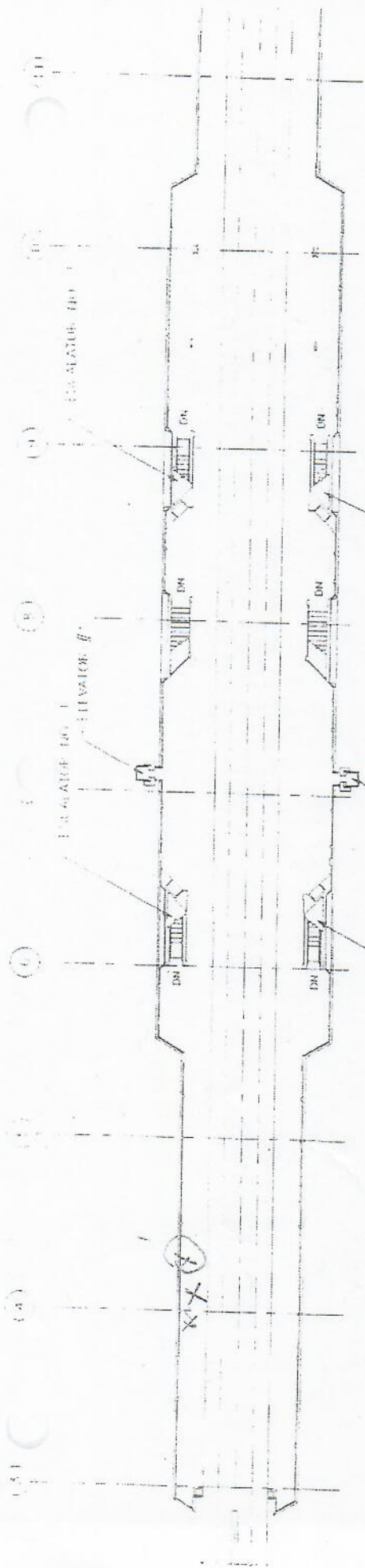
RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

Dys #552

01-01-09

Dys
1-5-09

1540 HKS



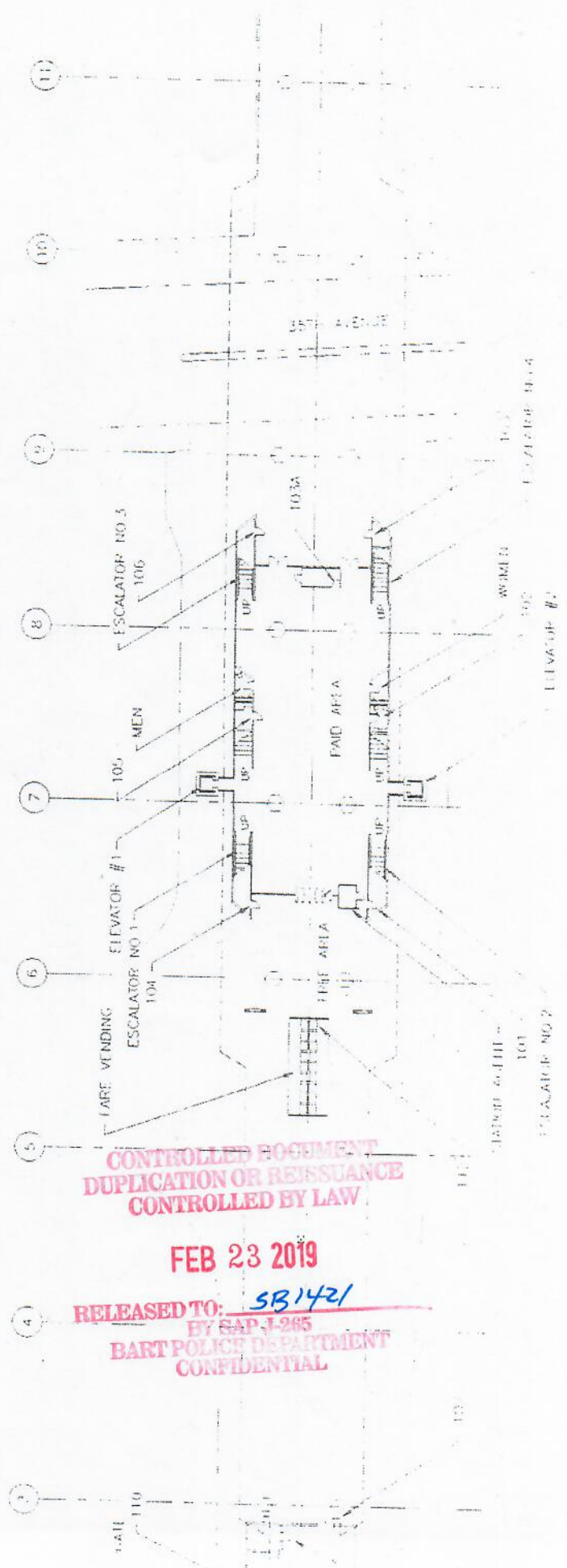
ESCALATOR NO. 4

ESCALATOR NO. 2



PLATFORM LEVEL PLAN

2552
01-05-09
1547 HES.



CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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CONFIDENTIAL

Date: 1/3/2009

Case #: 0901-0027

Author ID: TNC416



Michael Greer, Jr.



Carlos Reyes, Jr.



Jackie Bryson, Jr.



Nigel Bryson



Oscar Grant



Fernando Antcets, Jr.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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BY SAP J-265
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CONFIDENTIAL

248 4512
01-05-09
1547 HKS.

1 - 09-

FILITVALE 022THOU23
LOG - CREATED BY N. FLORES #532 IN

NAME

BECKER, PAUL

05-6193

SENIOR OPERATIONAL SUP 022

ENRIQUEZ

#456

IN

0228

CONN. GIBSON

#C7

IN

0229

DOMINICK,

#496

/

TALONON, H.

#549

IN

0230

KNUDTSON, E

#533

IN

0230

POTTER, K

#J296

0233

JACKSON, D

#J183

0233

MOORE, B

#484

0233

WHITE, M.

#C8

0236

POTTER, K

#J296

IN

0236

OLSEN, L

#436

IN

0242

POINDEXTER

#457

IN

0243

~~POINDEXTER~~

POTTER, K

#J296

IN

0248

POTTER K

IN

0254

ENRIQUEZ,

#456

IN

0307

MOORE, B

#484

IN

0313

KRUM, M

DA'S OFF

IN

0343

MOSCHETTI, F

223 DA'S OFF IN

0347

ENRIQUEZ, E

530

IN

0347

ENRIQUEZ, J

458

IN

0348

MALONEY, W

457

IN

0348

0407

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
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CONFIDENTIAL

JACKSON, D		OUT	0239
GUERRA, J		OUT	
POTTER, K		OUT	0239
PILONE, T	# 514	OUT	0240
			0241
CAGAANAN, G	L98	OUT	
MACAGLAY, M	S40	OUT	0245
WILSON, D			0246
POWE, R	# 55285	OUT	0247
	# 60268	OUT	
PINDexter, E	# 451	OUT	0247
GIBSON, J	# C7	OUT	0248
			0248
LEOFORD, A	L16	OUT	0252
BECKER, P	056193	OUT	0252
POTTER, K	J296	OUT	0253
POTTER, K	J296	OUT	0257
ENRIQUEZ	# 456	OUT	
			0307
ANDRET, F	IN-CUST.	OUT	
REYES, CARLOS	IN-CUST.	OUT	
KNUDTSON, E	# 533	OUT	
POTTER, K	# J296	OUT	0316
			0319
ALVAREZ, C	# 530	OUT	0322
ENRIQUEZ, J	# 456	OUT	0322
MOORE, B	484	OUT	0343
KRUM, M		OUT	0352
MOSCHIETTI, F		OUT	0352
ENRIQUEZ, J	456	OUT	0353
ALVAREZ, ED	530	OUT	0353

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

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 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

OUT 206 01-01-09

B. MOORE # 484

0546 HRS.

L. OLSEN # 436

0546 HRS.

W. MALONEY # 457

0546 HRS.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BART POLICE DEPARTMENT
CONFIDENTIAL

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 2

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I witnessed a camera video of the incident at the Fruitvale using witness C camera while at the Bayfair station.

NARRATIVE

On 1-1-09 at approximately 0225 hours, I was on uniform patrol at the Bayfair BART station in San Leandro when I was approached by approximately 5 black males who told me that they had just witnessed a BART police officer shoot a man on the platform at the Fruitvale BART station in Oakland.

One male, who told me his name was T C said they were on a Dublin bound train approximately 15 minutes earlier when he saw a BART police officer shoot a man as he was lying on the ground. C told me he had filmed the incident on his camera, and was showing the incident to his friends when I asked if I could view the incident.

C agreed to permit me to see the video. C said he shot the video at the Fruitvale station while he was inside the train with the doors open directly across and several feet from the incident. C told me he saw an officer kick a person who was lying on the platform, then place his knee on the person's head or neck a few seconds later. C then told me that another officer shot the person who was lying on the ground.

The video I saw showed a clear and unobstructed view of three uniformed officers on the platform. There were no persons or objects in the way of the video picture. I stood outside near the fare gates in the free area of the station under a lighted ceiling while I looked at the video. Although it was dark, I was able to clearly see the objects in the video screen. The size of the video screen was approximately 3" by 4".

In the video, there are three BART police officers standing over a person who was lying on the ground with several people standing around on the platform. I then saw one of the officers move his leg the direction of the person who was lying on the ground. A few seconds later, the officer who had earlier moved his leg toward the person on the ground, bent down and placed his knee on the person who was on the ground. A few seconds later, another officer bent down toward the person on the ground. Immediately afterward, I heard a loud "bang" that I recognized as a possible gunshot. I could not positively identify who the three officers were in the video because their backs were turned away from the camera

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

T. Forte 55337

DATE/TIME

01/02/2009 19:07

APPROVED BY

[Signature] C-8

DATE APPROVED

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

2 OF 2

Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I witnessed a camera video of the incident at the Fruitvale using witness C camera while at the Bayfair station.

NARRATIVE

most of the time, and I did not see a gun or any other weapon. It also appeared that the person on the ground was not struggling with the officers throughout the portion of the video I had just witnessed. C pointed to a person standing to the far right of the video as a person who was also filming the incident. I only looked at the video once, and do not recall witnessing anything else.

I then stopped looking at the video, and asked C if I could download a copy of the video in order to assist with the investigation. C was very polite and cooperative, and agreed to assist with the investigation. I then escorted C and his friends to the Bayfair BART training facility located a few feet away in the parking lot.

At the substation, Sergeant John Sandoval attempted to download C memory card to his laptop computer without success. I then asked C if I could take his memory card to our investigators who were located at the Fruitvale BART station. C told me that he would consent to giving me the memory card with the understanding that the information pertinent to our case be downloaded, and the memory card returned to him with all the contents in it. I agreed with C that his memory card should be returned to him with all of the contents intact. I told C that someone from BART Police will contact him at a later time to make arrangements for him to recover his memory card.

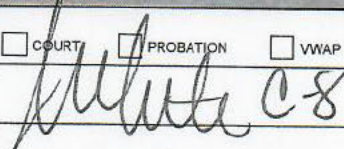
I then turned the memory card over to FTO Kellie Smith, and instructed her to drive to the Fruitvale station to deliver the card to an investigator.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: 531421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER		
BY OFFICER T. Forte 55337		DATE/TIME 01/02/2009 19:07	APPROVED BY 	DATE APPROVED
OFFICER		UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I witnessed a camera video of the incident at the Fruitvale using witness C camera while at the Bayfair station.

NARRATIVE

See scanned Microsoft word document.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ WAP

☐ OTHER

BY OFFICER

T. Forte 55337

DATE/TIME

01/02/2009 19:07

APPROVED BY

Alan Fueng 56615

AFS47 11109

DATE APPROVED

01/11/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Supp-1-Forte/55337 Entered by: Tyrone Forte

APDC (Rev. 03/13/08) Print Date: 01/11/2009

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/3/09 22:00

1. CODE SECTION(S)

243.35(a) / 148(a) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on transportation / Resist or delay officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Ofc. A. Pirone #514

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Supplement:

On 1/1/09 I was working uniformed patrol as a BART Police Lieutenant in Zone 1 (Oakland area stations). I was working with Lt. Aaron Ledford L16.

At about 02:00 I was at the Oakland West BART Station dealing with multiple on-going police events that were the result of the large numbers of passengers returning from New Year's Eve events. In the hour or so leading up to 02:00, BART Police officers dealt with two separate events that resulted in the recovery of two handguns that were carried illegally by persons within the BART system along with multiple reports of fights and at least two medical emergencies.

I decided to position myself at the West Oakland BART station due to the fact that it is the first stop for trains exiting the trans-bay tube from San Francisco and often the location where trains are intercepted to deal with reports of criminal activity.

Just after 02:00, I heard officers on the radio dispatched to a report of several men fighting on a Dublin-bound train that was located at the Fruitvale station. Soon after officers arrived on scene, I heard requests broadcast on the radio to send additional officers due to an hostile crowd that was surrounding the officers. Additional BART police units responded and a request was made to the Oakland Police Department to send officers if available. Lt. Ledford and I also responded to the Fruitvale station by car code-3 from the Oakland West station.

FEB 23 2019

As we were responding, I heard reports on the radio that there was a person suffering from a gunshot wound at the Fruitvale station. On arrival, I proceeded to platform #1 (Fremont platform) where I located several officers who were performing first aid on a man who was laying on the platform and apparently suffering from a gunshot wound. Other officers were either detaining suspects or protecting the scene. At this point the scene was still unstable with several people yelling and creating a

REPORTING OFFICER(S)

K. Franklin L11

RECORDING OFFICER

L11

DATE / TIME PREPARED

1/5/09 09:30

APPROVED BY

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/3/09 22:00

1. CODE SECTION(S)

243.35(a) / 148(a) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on transportation / Resist or delay officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Ofc. A. Pirone #514

4. ADDRESS

5. PHONE

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disturbance combined with the man who was suffering from the medical emergency.

I spoke to a person, I believe that it was Sgt. E. Alvarez S30, and asked him what had happened. I was told that Officer J. Mehserle 544 had been involved in an officer involved shooting. I immediately located Officer Mehserle standing near the top of the South Escalator and told him that I needed to get a "public safety statement" from him. I asked Officer Mehserle if he had fired his gun to which he replied that he had. I asked him how many shots were fired to which he replied "one". I asked him if he was aware of any suspects who were outstanding to which he replied "no" and I asked him to tell me the approximate boundaries of the crime scene to which he pointed out the area on Platform #1 where the officers and suspects were currently located. I noticed that Mehserle was in full police uniform.

Based on the information provided to me by Officer Mehserle, I felt that we had correctly located the crime scene and detained or arrested any suspects who were involved. I then removed Officer Mehserle from the crime scene by having him walk downstairs with me. On the way out, a medical crew who was being followed by a person who appeared to be a news cameraman passed me. I stopped the cameraman and removed him from the platform before he could enter the area where we believed the crime scene was located.

Downstairs, I met Lt. G. Cagaanan L18 who had just arrived and briefed him on the situation, as I knew it to be. At that time, Officer Mehserle told me that he had fresh blood on his hands from giving first aid to the man suffering from the gun shot wound. I looked at Mehserle's hands and saw what appeared to be blood. Mehserle requested to wash his hands to remove the hazardous material (the blood) from his hands and I allowed him to do so in the employee bathroom. After briefing Lt. Cagaanan, I drove Officer Mehserle back to the Lake Merritt BART station to continue the investigation from there.

REPORTING OFFICER(S)

K. Franklin L11

RECORDING OFFICER

L11 *KF*

DATE / TIME PREPARED

1/5/09 09:30

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☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/3/09 22:00

1. CODE SECTION(S)

243.35(a) / 148(a) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on transportation / Resist or delay officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Ofc. A. Pirone #514

4. ADDRESS

5. PHONE

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At the Lake Merritt Station, I brought Mehserle to the small conference room and had him wait there. I provided Mehserle with the phone number for the BPOA President (Officer J. Sekhon) and allowed Mehserle to phone Sekhon and a legal representative. When Sekhon arrived a few minutes later, I brought Sekhon to the small conference room and left the two officers alone. Prior to Sekhon arriving, I was the only other person waiting with Mehserle.

To prepare to recover Mehserle's duty handgun as evidence, I removed another department issue Sig 226 handgun from the armory, inspected the weapon for issue and waited to exchange the weapon for the handgun that Mehserle was carrying. Later in the morning, I accompanied sworn evidence-tech, Officer C. Shipley to the small conference room where Shipley recovered Mehserle's handgun and pistol magazines and I issued Mehserle a replacement Sig 226 handgun, magazines and duty ammunition.

Later in the morning, I met with Sgt. A. Fueng S49 and told him about the situation with the blood on Mehserle's hands and the fact that I had allowed Mehserle to wash his hands to remove the blood since it was a hazardous material.

Sgt. Fueng mentioned to me that Detective J. Enriquez was in possession of a computer memory stick that possibly contained video evidence related to this case and asked me if I was able to recover the evidence from the device. Det. Enriquez showed me the memory stick, which I recognized from the markings on the device as a Sony Pro Duo memory stick. I looked at the HP printer that is installed at the workstation just outside of Sgt. Fueng's office and determined that the printer was equipped with a memory card reader that would read a Sony Pro Duo memory stick. I put the memory stick into the printer and used the attached computer to inspect the contents of the memory stick. The memory stick contained multiple .jpg images and three .mpg video files as well as several unidentified files. I used the printer to copy all of the data from the memory stick and copied the data onto a CD-R disk. I made a total of three copies of the CD-R and gave those copies to Det. Enriquez. All of the data on the memory stick

REPORTING OFFICER(S)

K. Franklin L11

RECORDING OFFICER

L11 KT

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1/5/09 09:30

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

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was left intact and I returned the memory stick to Det. Enriquez.

Det. Enriquez, Sgt. Fueng and I viewed the three video files from the CD-R and confirmed that they appeared to depict some parts of the incident at the Fruitvale Station.

Nothing further to report at this time.

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K. Franklin L11

RECORDING OFFICER

L11 *KF*

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1/5/09 09:30

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POLICE REPORT

CASE #

0901-0027

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1/11/09, 1800

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

243.3 / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on train / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St, Oakland

5. PHONE

510-464-7000

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Note: I am currently the sergeant of the BART Police Criminal Investigations Section. I have been a BART Police Sergeant since July 2004. During that time, I have worked with and/or supervised Johannes Mehserle and each BART officer identified as a witness in this investigation.

Narrative:

On 1/1/09, at about 0220 hrs, I (Fueng) was called at home by Det. J. Enriquez. Enriquez stated that he was en route to the Fruitvale BART station to assist in the investigation of a reported shooting. Enriquez had few details, but requested that I respond. Dets. Enriquez, Maes, McNack and T. Smith were already on duty as part of the department's New Year's Eve deployment plan.

I called BART police dispatch and was advised that this was an officer-involved shooting with few details. I called Lt. G. Cagaanan on his cell phone. I knew that Cagaanan was on duty and Cagaanan indicated that I should respond to the Lake Merritt Police Facility. I then called Det. T. Carter at home and asked that she respond to assist with this investigation.

When I arrived at Lake Merritt Station, I went to the Investigations office and met with Cmdr. White and Lt. H. Alkire (my immediate supervisor). We had a brief conversation and I learned that Mehserle, officer witnesses and non-officer witnesses were at the Lake Merritt Police Facility.

I assigned Dets. Carter and T. Smith to interview non-officer witnesses who had been brought to Lake Merritt (see their respective supplemental reports). Dets Enriquez and McNack were assigned as primary investigators

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Fueng S47

RECORDING OFFICER

S47

DATE / TIME PREPARED

1/11/09, 1800

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POLICE REPORT

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on this case. All other BART Police investigators (J. Power, T. Salas, H. Shabazz) would assist as needed (see their respective supplemental reports). Dets. Power, Shabazz and T. Salas were not available on the incident date. Power started assisting on 1/3/09. Shabazz and T. Salas did not enter this investigation until 1/5/09.

After learning that Mehserle was the primary involved officer, I walked to the part of the police facility where the witnesses were located. Because of the New Year's Eve staffing, there were a lot of BART officers present. Most of them were busy with assigned tasks related to the officer-involved incident. Some were guarding the detained non-officer witnesses, other officers were completing reports.

I had brief and separate conversations with Lts. Franklin and A. Ledford. Franklin advised that he (Franklin) had responded to Fruitvale Station and obtained a Public Safety statement from Mehserle. Franklin later brought Mehserle to Lake Merritt and placed Mehserle in a private room (see Franklin's supplemental report). Lt. A. Ledford told me about an unrelated case where an armed man had jumped off of the train platform at West Oakland station and was at Highland hospital with significant injuries (case 0901-0014).

A short time later in the Investigations office, I watched an amateur video which captured the shooting on the platform. I later learned the video was provided by a witness named C [REDACTED]

At some point (unknown time), Cmdr. White advised me that Mehserle had declined to provide a voluntary statement to Dets. Enriquez/McNack regarding the department's criminal investigation into the factors that led up to the officer-involved shooting. I was later present in the Lake

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Fueng S47

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1. CODE SECTION(S) 243.3 / 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery on train / Resisting Arrest		
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<p>Merritt small conference room when Mehserle was placed on Administrative Leave by Cmdr. White (see Cmdr. White's supplemental report).</p> <p>On 1/1/09, I was contacted by Alameda County deputy sheriff J. Piyamanothamkul #1652 that Grant's autopsy was scheduled for 1/2/09. Coroner's case 2009-00004. Det. Maes and Ofc. Vuong were assigned to attend (see their respective supplemental reports).</p> <p>In the days following this incident, the Investigations unit (and voicemail) received many calls from people who claimed to have been at Fruitvale station and had seen various portions of the incident (some only saw pre- or post-incident). Different investigators returned the calls and many phone and in-person interviews were conducted and documented on supplemental reports.</p> <p>On Sunday, 1/4/09, a walk-through was conducted with BART Officer Pirone (witness) at the Fruitvale station (see Maes' supplemental).</p> <p>On 1/8/09, at about 1400 hrs, I telephoned J. Sekhon, President of the BART Police Officers' Association. Sekhon was on duty and I called him to arrange for a voluntary interview for this criminal investigation. Sekhon was working on the morning of this officer-involved incident and had spoken to Mehserle after Mehserle had been brought to Lake Merritt. Sekhon had also sat in the same room with Mehserle for extended periods of time before Mehserle's attorneys arrived. I wanted to interview Sekhon to determine if Mehserle had made specific statements to him (Sekhon) about the shooting incident.</p> <p>When I called, I explained to Sekhon that I needed to interview him. Sekhon stated that I should talk to his attorney and hung up the phone. A</p>				
REPORTING OFFICER(S) Fueng S47		RECORDING OFFICER S47	DATE / TIME PREPARED 1/11/09, 1800	APPROVED BY:
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OAKLAND, CALIFORNIA 94607

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short time later I called Sekhon again. Sekhon apologized and said he had acted inappropriately during our earlier phone call. Sekhon stated he was en route to the Castro Valley BART Police facility. Sekhon said his shift was scheduled to end at 1545 hrs. I directed Sekhon to meet me at Lake Merritt before his shift ended. Sekhon was reluctant to meet, but arrived about 40 minutes later. I located Sekhon outside of the police line-up room and he was on the phone. I told Sekhon it was time to start the interview. Sekhon ignored me and continued talking on the phone. I realized I was going to have to give Sekhon a direct order to start the interview. Lt. Lucarelli was nearby and I called him over as a witness. In the presence of Lt. F. Lucarelli, I gave Sekhon a direct order to end his phone call. Sekhon quickly wrote something on a piece of paper and ended his call. Lt. Lucarelli, Sekhon and I then walked to the large conference room at Lake Merritt. Det J. Enriquez and I then interviewed Sekhon. The interview was observed by Lt. Lucarelli. The interview was separately recorded by Enriquez and Sekhon (audio only). It lasted a little over one hour and is summarized below.

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During the beginning of the interview, Sekhon stated that he wanted to speak with his attorney and declined to answer any questions. I reminded Sekhon that he (Sekhon) was being interviewed as a witness in a criminal investigation and that he was not entitled to representation. Sekhon reluctantly went forward with the interview. In summary, Sekhon stated he was working on the morning of this incident. Sekhon was at the West Oakland BART station assisting with crowd control duties when he became aware that an officer-involved shooting had occurred and may have involved Mehserle. Being the BPOA President, Sekhon knew Mehserle (Sekhon had been one of Mehserle's field training officers for a short period) and called the Association's Legal Defense Fund and requested an attorney to respond.

REPORTING OFFICER(S)

Fueng S47

RECORDING OFFICER

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1/11/09, 1800

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OAKLAND, CALIFORNIA 94607

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Sekhon then took a train to the Lake Merritt station to meet with Mehserle. Sekhon located Mehserle in the small conference room and Mehserle was alone. Sekhon approximated that he remained alone with Mehserle about 45 minutes and they did not discuss the shooting. Mehserle then requested that Terry Foreman (BART officer) be contacted to sit with him. According to Sekhon, Foreman arrived at Lake Merritt about 45 minutes later. While waiting for Foreman, Sekhon said that he (Sekhon) and Mehserle talked about many things, but did not talk about the shooting or hear Mehserle make any statements related to the shooting. Sekhon was present when Officer Shipley conducted a GSR test on Mehserle and when Foreman arrived in the conference room. Later in the morning, Sekhon drove Mehserle home. Sekhon stated they did not discuss the shooting on the drive to Mehserle's home.

Towards the end of the interview, we took a break and Sekhon had the opportunity to speak with his attorney, Allison Wilkinson. Wilkinson had arrived at Lake Merritt station. When the interview resumed (Wilkinson was not present), Sekhon recalled that on 1/6/09, he (Sekhon) had driven Mehserle to a law office in Sacramento. Sekhon learned that Mehserle was going to resign from the police department. On the drive home, Mehserle said to Sekhon, "Nobody knows what was going through my mind. Fuck everybody else. They weren't there." This conversation had not been mentioned earlier by Sekhon. Sekhon did not recall any other significant aspects of their drive home. When the interview concluded, I ordered Sekhon not to discuss this case with others in this department except for investigators, his attorney or those of higher authority. The interview ended. Det. Enriquez transferred the Sekhon interview from his digital recorder to a CD (along with the Foreman interview) and later booked the CD into police evidence.

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Fueng S47

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BART POLICE DEPARTMENT
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On 1/9/09, about 1230 hrs, BART Ofc. Terry Foreman was interviewed at the Lake Merritt Police Facility (line-up room). Present in the interview were BART Police Lt. F. Lucarelli, BART Det. J. Enriquez, Alameda County DDA John Creighton, DA Lt. Insp. Bob Conner, DA Insp. F. Moschetti and Sgt T. Jones of the Oakland Police Department and I (Fueng). In summary, Foreman described that he (Foreman) and Mehserle had met when they went through the police department's FOCUS program for newly hired officers. They worked together once or twice, including New Year's Eve 2007, and had socialized together. Foreman classified Mehserle as a friend.

On 1/1/09, Foreman was called at home and advised that Mehserle had been in an officer-involved shooting and had requested Foreman for peer support. Foreman arrived at Lake Merritt station and contacted Mehserle. Foreman explained to Mehserle that he (Foreman) was there for peer support and explained to Mehserle what he should expect. During their conversation, Mehserle stated to Foreman, "It was different. It was different. It was going towards its pocket. I thought he had a gun, I thought he had a gun." In the days after the shooting, Foreman stated that he talked to Mehserle numerous times. Mehserle stated he kept thinking about the incident and several times made reference that, "I thought he had a gun. I thought he had a gun." Foreman described Mehserle as a good officer and was surprised when Mehserle later called him and stated, "I'm going to resign. I'm not going to make a statement". Mehserle expressed a lack of trust of the BART Command Staff and they were not going to back him. Foreman did not know the source of Mehserle's distrust.

On 1/10/09, about 1905 hrs, I called Oakland Police dispatch to obtain the incident number and names of the Oakland Police officers who had responded to Fruitvale station. The dispatcher told me the incident number was

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

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Pirone, A. #514

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090101000290 and was dispatched at 0212 hrs. OPD Officers D. Kemmitt ser# 8425P, A. Digiusto ser# 9041P (Kemmitt's trainee) P. Elias ser# 8881P and Lt. D. Hoppenhauer responded. See page 8 of this supplement for Kemmitt's summarized statement.

On 1/16/09, I called John Burris' law office in response to a fax his office had sent to our department requesting some personal property of Oscar Grant. The request had been made on behalf of the J [REDACTED] family (Grant's mother).

On 1/22/09, I met with Burris at his Oakland office and returned some of Grant's personal items. The Alameda County DA's office had no objections to the released items (keys, wallet, bank cards). In my presence, Burris signed a BART Police property receipt accepting the listed items. Burris and I then had a conversation where I asked Burris to direct potential witnesses of this incident to BART Police so they could be interviewed. Burris said he would not try to dissuade witnesses from talking to investigators. I told Burris that the interviews could take place at our police department or his office and he could attend. Burris then provided me a CD copy of a video taken by K [REDACTED] V [REDACTED]. The CD was given to Det. Enriquez when I returned to the investigations office.

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BY SAP 1265

On 1/21/09, I took a two-page written statement from BART police dispatcher R. Oliva. Oliva was one of the police dispatchers working on New Year's Eve. Oliva stated she could not find a platform camera at Fruitvale which captured the whole event. The portion of the event Oliva was able to see via camera showed a male who appeared to be very angry at Ofc. Domenici and Oliva was afraid he was going to hurt her (Domenici).

On 1/22/09, I took a three-page written statement from dispatcher J.

REPORTING OFFICER(S)

Fueng S47

RECORDING OFFICER

S47

DATE / TIME PREPARED

1/11/09, 1800

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POLICE REPORT

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/11/09, 1800

1. CODE SECTION(S)

243.3 / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on train / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St, Oakland

5. PHONE

510-464-7000

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Devera. Devera stated he was the primary dispatcher when this incident occurred and he was focused on getting officers to Fruitvale to assist. Devera did not know it was officer-involved, but guessed it might because of what was not being said on the radio.

On 1/28/09, about 1430 hrs, Det. Enriquez and I went to 2590 Humboldt Dr, San Leandro, in an effort to contact a potential witness named J [REDACTED] or J [REDACTED] S [REDACTED]. We had received information that S [REDACTED] might have had an amateur video of this incident. There was no answer at the door. Enriquez left a business card in the door and I called the house phone [REDACTED]. There was no answer and a message was left. We have not received a response from S [REDACTED].

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On 1/29/09, about 1915 hrs, I interviewed Oakland Police Officer D. Kemmitt ser# 8425P. Kemmitt was one of the OPD officers who had responded to Fruitvale station. The interview was conducted in the BART Police Investigations office and was digitally recorded. In summary, Kemmitt sated he was working with his trainee, A. Digiusto, and they were dispatched to Fruitvale station to assist our department (OPD radio code 940A). When Kemmitt and his trainee arrived in the station, an unidentified BART officer said they needed help in clearing the station. Kemmitt was not told this had been an officer-involved shooting. The same BART officer then told Kemmitt that a person had been shot. When Kemmitt arrived on the platform, he (Kemmitt) had trouble finding a BART officer who could tell him what had occurred. Kemmitt saw a person on the ground who appeared to have been shot and was about to put out a crime broadcast over his radio. A nearby person who had been detained told Kemmitt that a BART officer had shot someone. Kemmitt then realized this was an officer-involved incident. Kemmitt's patrol lieutenant, D. Hoppenhauer, also arrived to assist. After a brief period, all OPD officers left the

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/11/09, 1800

1. CODE SECTION(S)

243.3 / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

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3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St, Oakland

5. PHONE

510-464-7000

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station.

During the course of this investigation, I have monitored its progress and have regularly met with all of the investigators (collectively and separately) in order to receive case updates. I have also maintained regular contact with DDA John Creighton, DA Insp Moschetti and Lieutenant of Insp B. Conner. The Investigations Section has provided the DA's office and investigators from the Oakland Police Department requested information and completed reports. As additional BART Police reports are completed, they will be forwarded to the District Attorney's office and other relevant investigative agencies for review.

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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY ON TRAIN / RESISTING ARREST

3. VICTIM'S NAME - LAST, FIRST, M.I.

PINEDA, A.

4. ADDRESS

-

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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WHEN I SAY "HER", I MEAN OFC. DOMENICI!
 SINCE THIS INCIDENT, I THINK ABOUT THAT IMAGE
 REGULARLY. THIS PERSON'S IMAGE AND ANGER TOWARDS
 DOMINICI CONTINUES TO BOTHER ME.
 I ALSO RECEIVED A CALL FROM SGT ALVAREZ.
 ALVAREZ STATED ~~ON~~ AN OFFICER-INVOLVED
 SHOOTING HAD OCCURRED AND TO NOTIFY THE CHIEF.
 ALVAREZ ASKED ME NOT TO SAY IT ON THE RADIO.
 I ADVISED SUPERVISOR MULLIGAN OF THIS INFORMATION.
 I DO NOT KNOW WHAT SHE DID. I DO NOT HAVE A
 CLEAR MEMORY OF WHAT ELSE I DID. I WORKED
 UNTIL MY END OF SHIFT AT 5AM. I DO NOT
 SPECIFICALLY RECALL THE OTHER THINGS I DID UNTIL
 I FINISHED MY SHIFT. Rosemarie Olvera.

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DATE / TIME PREPARED

1-21-09, 0500

APPROVED BY:

Ma L.13

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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY ON TRAIN / RESISTING ARREST

3. VICTIM'S NAME - LAST, FIRST, M.I.

PIRONE, A. #514

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED.
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STATEMENT FROM BART POLICE DISPATCHER J. DEVERA J-279
DATE/TIME: 1-22-09, 5:45AM

" I WAS ONE OF THE BART POLICE DISPATCHERS WORKING ON NEW YEAR'S EVE. I BEGAN MY SHIFT ON 12-31-08 AT 3PM AND WAS SCHEDULED TO WORK UNTIL 1-1-09 AT 4AM. AROUND 2AM, WE RECEIVED A CALL FROM BART CENTRAL ABOUT A FIGHT ON A TRAIN INVOLVING A GROUP. I THINK COLEEN MANDE TOOK THE CALL. I WAS DISPATCHING, SO I PUT OUT THE CALL TO UNIT 1B10. THEY WERE ALREADY AT FRUITVALE STATION. 1B10 WAS PIRONE AND DOMENICI. THE INCIDENT TRAIN WAS CLOSE TO OR ALREADY AT FRUITVALE. AS THE PRIMARY DISPATCHER, I MENTALLY MADE SURE A COVER UNIT WAS EN ROUTE TO COVER 1B10 AND TO ENSURE THE TRAIN HELD ON THE PLATFORM. I WANTED TO MAKE SURE I DID EVERYTHING RIGHT. VIA OUR POLICE DISPATCH CAMERA MONITORS, I SAW PIRONE ON THE PLATFORM DEALING WITH PEOPLE, BUT MOST OF THE ACTIVITY WAS OUT OF CAMERA VIEW. AS THE PRIMARY DISPATCHER, I WAS NOT TRYING TO CHECK THE DIFFERENT CAMERAS, I WAS FOCUSED ON THE RADIO TRAFFIC AND ALSO WATCHING OUR DISPATCH MONITORS.

REPORTING OFFICER

FUENG S47

RECORDING OFFICER

S47

DATE / TIME PREPARED

1-22-09 0600

APPROVED BY:

/s/ L.13

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☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE # 0961-0027

DATE / TIME REPORTED

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY ON TRAIN / RESISTING ARREST

3. VICTIM'S NAME - LAST, FIRST, M.I.

PIRONE, A. # 514

4. ADDRESS

—

5. PHONE

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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DUE TO THE RADIO TRAFFIC, I BECAME CONCERNED THE OFFICERS WERE FIGHTING WITH SOMEONE OUT OF VIEW CAMERA VIEW. I COULD SEE OFFICERS HURRYING ON THE PLATFORM, BUT COULD NOT TELL WHAT ELSE WAS HAPPENING DUE TO THE LIMITED CAMERA VIEW. PIRONE THEN ASKED FOR A CODE 3 AMBULANCE FOR A PERSON WITH A GUNSHOT WOUND. OTHER DISPATCHERS CALLED OAKLAND FIRE AND AMR AMBULANCE. MY NEXT CONCERN WAS TO RELEASE THE TRAIN. I COULD SEE PEOPLE GETTING ON AND OFF THE TRAIN AND YELLING TOWARDS WHERE I BELIEVED THE OFFICERS WERE. I WAS CONCERNED, HIGHLY CONCERNED - THE HIGHEST IT HAS EVER BEEN IN MY MIND SINCE WORKING HERE. MY FEAR ^{WAS} THE CROWD ON THE TRAIN WAS GOING TO GET INVOLVED. DUE TO THE GUNSHOT WOUND REPORTED, I MADE SURE I STARTED EVIDENCE TECHS. I ALSO MENTALLY MADE SURE MORE OFFICERS WERE ENROUTE. I REMEMBER AF DOMENICI MADE SEVERAL RADIO BROADCASTS AND HER ^{VOICE} ~~WAS~~ SEEMED MORE STRESSED, ESPECIALLY WHEN SHE ^{ASKED} FOR THE TRAIN TO BE RELEASED THE 2ND TIME.

REPORTING OFFICER

FUENK, S47

RECORDING OFFICER

S47

DATE / TIME PREPARED

1-22-09, 6600

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

1. CODE SECTION(S)

243.3PC / 148(a)(6)PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY ON TRAIN / RESISTING ARREST

3. VICTIM'S NAME - LAST, FIRST, M.I.

PIRONE, A. #514

4. ADDRESS

—

5. PHONE

—

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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INSTINCT WISE, I THOUGHT THIS MAY HAVE BEEN AN
 OFFICER-INVOLVED SHOOTING BECAUSE OF WHAT WAS
 NOT BEING SAID ON THE AIR. THERE WAS ~~NO~~ RADIO
 TRAFFIC ABOUT AN OUTSTANDING SUSPECT. I HEARD
 THAT SGT ALVAREZ CALLED DISPATCH AND REQUESTED
 THE CHIEF AND COMMANDED GIBSON BE CALLED
 IMMEDIATELY. IT WAS ABOUT TWENTY MINUTES LATER
 I FOUND OUT THIS WAS AN OFFICER-INVOLVED
 SHOOTING. I DO NOT ~~REMEMER~~ REMEMBER WHO
 TOLD ME. I THOUGHT THE OFFICER-INVOLVED
 SHOULD HAVE BEEN BROADCASTED OVER THE RADIO,
 BUT I HAVE NOT BEEN TRAINED ON THIS PROTOCOL.
 I WAS WORKING WITH DISPATCHERS STRANGE, OLIVA
 MANDE AND MULLIGAN. I ENDED MY SHIFT AT 4AM.

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FUENG S47

RECORDING OFFICER

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DATE / TIME PREPARED

1-22-09, 0600

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☐ NARRATIVE CONTINUATION
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☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

3-2-09, 1415 hrs

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

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Investigative Supplemental Report #2

On 2/9/09, I (Fueng) was directed by Commander M. White to conduct a criminal investigation regarding the uses of force by BART Police Officer A. Pirone on 1/1/09. Pirone had been one of the BART police officers on the Fruitvale Station platform when Grant was shot. Pirone was the first officer on the platform when the reported fight on the train was broadcasted over the police radio. Amateur videos on the news had shown Pirone using force against Grant and possibly M [REDACTED] G [REDACTED]. Commander White stated that Lt. Alkire (my immediate supervisor) was also assigned to this investigation. Commander White then gave me a compact disc (CD). Commander White stated the CD had been provided by the Alameda County District Attorney's Office. I later reviewed the documents on the CD. The CD contained recorded interviews conducted by the District Attorney's Office and the Oakland Police Department. The CD also contained an amateur videos taken by K [REDACTED] V [REDACTED] and D [REDACTED] L [REDACTED]. I later provided Lt. Alkire with the documents I received from Cmdr. White. The DA's Office subsequently gave us copies of videos they obtained from J [REDACTED] D [REDACTED] and M [REDACTED] C [REDACTED].

FEB 23 2019

On 2/13/09, Lt. Alkire, Det. J. Enriquez and I went to the Rene' C. Davidson Courthouse and met with Alameda County Deputy DA Dave Stein, Lieutenant of Inspectors B. Conner and Insp. Brock. Stein is the prosecutor in the Mehserle case. Lt. Alkire and I advised Stein of our assigned investigation and our potential need to re-interview certain witnesses already identified in the Mehserle case. Stein initially requested that we not re-interview witnesses, including Pirone. We explained the possible need to re-interview witnesses. Stein then asked us to contact him prior to interviewing witnesses and to keep him updated with respect to the videos, photos and/or prior statements shown to them.

REPORTING OFFICER(S)

Fueng S47/ Alkire L13

RECORDING OFFICER

S47

DATE / TIME PREPARED

3-2-09, 1415

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POLICE REPORT

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We acknowledged Stein's concerns and agreed.

Lt. Alkire and I separately reviewed recorded interviews, videos and reports which had been obtained during the Mehserle investigation. In addition to the existing videos showing Pirone using force on Grant, we also reviewed the force used by Pirone when he took Grant and M [REDACTED] off the train.

On 3/6/09, Lt. Alkire and I reviewed the autopsy photos taken by Ofc. Vuong. We did not see any obvious injury or bruising to Grant's face or head. The Alameda County Coroner's report (2009-00004) did not note any trauma to Grant's head or neck.

c. Alkire and I decided to re-interview Officer Domenici. Domenici had been assigned to work with Pirone on 1/1/09. Domenici was originally interviewed on 1/1/09 and re-interviewed on 1/7/09 (see reports by T. Smith). I advised DDA Stein of our intent to interview Domenici and that she would be allowed to review her prior statements. Stein was also advised that photos taken from a video would be shown during the interview.

FEB 23 2019

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On 3/7/09, Lt. Alkire and I conducted a re-interview with Officer M. Domenici. Domenici's attorney was present during the interview and had been provided copies of Domenici's two prior BART Police interviews. Domenici's attorney returned the two prior recordings and stated that they had not been duplicated. During our interview, Domenici stated she had watched a video (Domenici believes it was the K [REDACTED] V [REDACTED] video) three times on the Internet and had not discussed the shooting incident with other officers who had been on the platform.

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eng S47/ Alkire L13

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DATE / TIME PREPARED

3-2-09, 1415

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POLICE REPORT

CASE #

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3-2-09, 1415 hrs

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☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

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We showed Domenici twelve (12) color photos taken from the K [REDACTED] V [REDACTED] video and one (1) photo taken from an unidentified video provided by the DA's Office. Each photo was numbered. One photo was not numbered and it was used as an involved persons reference guide. The reference guide shows five (5) males being contacted. They were identified, from left to right, as M [REDACTED] G [REDACTED] Oscar Grant, C [REDACTED] R [REDACTED] J [REDACTED] B [REDACTED] and N [REDACTED] B [REDACTED] (sitting down). The photos primarily show Domenici and Pirone detaining the males on the station platform. We showed Domenici each photo separately and asked her to recall what was occurring, with specific emphasis on Pirone's actions.

During the interview, Domenici emphasized the loud, chaotic and non-compliant scene on the platform. Domenici's concerns for their officer safety was high. The suspects that she and Pirone had detained shouted profanities at them and at times refused to follow their verbal commands. The first photo shown to Domenici was #1. In that photo, four (4) males are sitting on the ground of the station's platform and Domenici is standing near them. The platform window's reflection faintly shows a train and a person (identified as Ofc. Pirone). When asked about photo #1, Domenici stated that Pirone was behind her and attempting to locate a male who was on the train. Domenici could not see or hear what Pirone was doing or saying.

Photo #2 shows Pirone on the platform and he appears to be kneeling on or next to a male (identified as M [REDACTED] G [REDACTED] he had taken off of the train. G [REDACTED] appears to be on his stomach (Pirone is to Domenici's left side) and is being handcuffed by Pirone.

Domenici stated that the male being handcuffed by Pirone had been combative. When asked to provide more information, she could not provide

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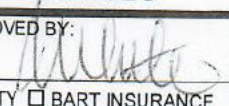
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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 3-2-09, 1415 hrs	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
243.3 PC / 148(a)(1) PC		Battery on a train / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>specific details. In a prior interview conducted by Dets. Smith and Carter (which I reviewed), Domenici had stated that G [REDACTED] was very combative right when he got off the train. He made his body stiff and appeared in "fight mode".</p> <p>Domenici stated she did not hear what was being said, if anything, between Pirone and G [REDACTED]. Domenici stated that she was scared while dealing with the detainees (Grant, R [REDACTED] and J. B [REDACTED] depicted in photo #2. Also in photo #2, Domenici pointed to a male (identified as Grant) and stated that he was the most aggressive towards her. This same male (Grant) refused to comply with her repeated commands to sit down and she used her hand and pushed him back several times. Domenici also stated she used her hand to push back another male (identified as J [REDACTED] B [REDACTED] who became aggressive. Domenici gave the three (3) detainees (depicted in photo #2) repeated commands to sit and they refused. Domenici did not recall being touched by any of the males in the photos and was not injured during the incident. She stated when she later saw the V [REDACTED] video (on her own) she noticed that the suspects' hands had made contact with her.</p> <p style="text-align: right; color: red;">FEB 23 2019 581421</p> <p>Photo #7 shows Pirone standing to the near left side of Domenici and directly in front of Grant. Grant and Pirone appear to be very close and they are facing each other. According to Domenici, Grant was "going at" Pirone as he was handcuffing G [REDACTED]. Domenici repeatedly told Grant to, "Stay out of it. Stay out of it". Pirone and her then made eye contact with each other. She stated that Pirone could see her struggling with Grant. Pirone then walked to Grant. Domenici remembered seeing Pirone's right arm move towards Grant's shoulder. She then heard Pirone state, "You were instructed to sit down". When she saw the movement of Pirone's arm towards Grant, she knew Pirone would be fine. She did not hear Pirone give Grant any commands. Domenici stated she immediately turned to her</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
S47 / Alkire L13		S47		3-2-09, 1415	
DISPOSITION:		COPIES TO:			
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1. CODE SECTION(S) 243.3 PC / 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery on a train / Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. -----		4. ADDRESS -----		5. PHONE -----
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<p>right and began to focus on the males who were approaching from her right side. After turning to her right, Domenici did not see or hear any further portion of the contact between Pirone and Grant. Towards the end of our interview, Domenici repeated how loud and chaotic it was on the platform and that she was afraid for her life. Domenici did not believe using her baton would have been a good option to control the males and had considered using the TASER to gain compliance. The interview with Domenici was recorded by us and her attorney. The interview and the photos shown will be copied for the District Attorney's Office and other investigative entities.</p> <p>On 2/20/09, about 1715 hrs, Lt. Alkire called J [REDACTED] and N [REDACTED] B [REDACTED] at [REDACTED] to request an interview. The phone continuously rang without an answer and no voicemail was activated. On 2/21/109, about 1100 hrs, Lt. Alkire called the same number with the same non-response. He also called [REDACTED] and it was disconnected. These contact numbers had been provided by the B [REDACTED] brothers on the morning they were interviewed by BART detectives.</p> <p>On 2/21/09, I sent an e-mail to John Burris asking if he represented M [REDACTED] G [REDACTED] F [REDACTED] A [REDACTED] J [REDACTED] B [REDACTED] N [REDACTED] E [REDACTED] and C [REDACTED] R [REDACTED] and, if so, that he make them available for interviews. On 3/5/09, I delivered a letter to the Burris law office with the same request. As of 3/20/09, I have not received a response from Burris' office.</p> <p>On 3/16/09, I called and advised DDA Stein of our intent to re-interview Pirone and to use various video segments as an investigative aide during the interview.</p> <p>On 3/17/09, Lt. Alkire and I interviewed Ofc. Pirone at the San Leandro</p>				
REPORTING OFFICER(S) S47 / Alkire L13		RECORDING OFFICER S47	DATE / TIME PREPARED 3-2-09, 1415	APPROVED BY: 
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CONTROLLED DOCUMENT
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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

3-2-09, 1415 hrs

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on a train / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Police Department. Pirone had already been interviewed three times since 1/1/09. Twice by our department and once by the DA's Office. DDA Creighton had previously asked our department not to re-interview Pirone until the DA's Office had done their interview with him.

The intent of our interview was to have Pirone specifically describe the circumstances and reasons which led to each of his uses of force as seen on different amateur videos and as described by him in prior interviews. Pirone's attorney, William Rapoport, was present. At the beginning of the interview, I advised Pirone that we were conducting a criminal investigation into his uses of force from 1/1/09. I also advised Pirone that we were seeking a voluntary interview with him and that he did not have to answer our questions. Pirone was Mirandized. He stated he understood and agreed to provide a voluntary statement. We started the interview by showing Pirone a still photo taken from the video. The photo shows Pirone kneeling on or near G while Grant, R J. B and N. B stand nearby with Ofc. Domenici. We labeled it a photo reference guide and used it during the interview to specifically refer to the detainees on the platform. Pirone knew G and Grant by name. Rapoport, at his request, was given copy of the photo reference guide.

FEB 23 2019

We showed Pirone an early segment of the K video. In the video, four males (from L to R: Grant, R J. B, N. B, and Ofc. Domenici) are sitting on the platform and Ofc. Domenici is standing nearby. Pirone's reflection appears briefly in the platform window. After viewing this segment, Pirone could see that he had already taken Grant off the train. We asked Pirone to describe how Grant ended up sitting on the platform. Pirone stated he had seen G and Grant board the train and had visually tracked their movements/location on the train. He asked Grant to off

REPORTING OFFICER(S)

ling S47/ Alkire L13

RECORDING OFFICER

S47

DATE / TIME PREPARED

3-2-09, 1415

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DISPOSITION:

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☒ DETECTIVES

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☐ TRAFFIC

☐ BART SAFETY

☐ BART INSURANCE

☒ OTHER: AlCo DA, FBI

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<p>board several times. He pointed his TASER at Grant and verbally directed Grant to off board the train. When Grant off boarded, he took hold of Grant's right elbow and escorted Grant to a nearby bench. During this time, Grant directed profanities at him. Pirone stated that he repeatedly directed Grant to sit down, but Grant did not comply. Grant then squatted down. He then left Grant with the other detainees who were being watched by Domenici.</p> <p>Pirone stated that he returned to the train to contact G[REDACTED]. G[REDACTED] ignored his repeated verbal commands to off board. He boarded the train to get G[REDACTED] and other patrons automatically moved out of his way until he reached G[REDACTED] location. G[REDACTED] looked in the opposite direction while the patrons looked towards Pirone. Pirone then grabbed G[REDACTED] shirt in the upper right area. G[REDACTED] said, "Hey, get your fuckin' hands off me. You don't know me." He kept ahold of G[REDACTED] shirt as G[REDACTED] tried to break free from his grasp. Pirone stated he pulled G[REDACTED] closer and then used both hands to maintain his grasp of G[REDACTED] shirt. He then walked G[REDACTED] to the platform wall as G[REDACTED] continued to try and break free from his grasp. G[REDACTED] also demanded that he, "get his fucking hands off him". Pirone shoved G[REDACTED] toward the wall and told G[REDACTED] to sit with his friends. G[REDACTED] struck the wall and spun around. G[REDACTED] then raised his hands in the air and placed one foot in front of the other. Pirone described this as a combative stance and felt it was aggressive towards him. They were about an arm's length apart. Pirone stated that he and Domenici were outnumbered and he was not about to get hit. Pirone performed a left handed hair-pull takedown and left leg sweep against G[REDACTED]. Pirone described that he used his right hand and pushed G[REDACTED] in his shoulder, arm or neck area during the takedown. G[REDACTED] fell to the platform. Pirone stated G[REDACTED] no longer resisted, was no longer a threat and was handcuffed (in the video, Pirone is facing the detainees). Pirone</p>				
REPORTING OFFICER(S) Seng S47/ Alkire L13		RECORDING OFFICER S47	DATE / TIME PREPARED 3-2-09, 1415	APPROVED BY: <i>[Signature]</i>
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☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

3-2-09, 1415 hrs

1. CODE SECTION(S)

243.3 PC / 148(a)(1) PC

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added that while he was still handcuffing G [REDACTED] he noticed that Grant and two other detainees had stood up. He remembered that Grant was closest to him and that Grant yelled and cursed the following, "Hey mother fucker, you can't do that shit. Come do that shit to me. You isn't even a real fuckin' cop you punk ass bitch." He told Grant to stay back and sit down. He saw Domenici try to corral the detainees. He took his eyes off of them to finish handcuffing G [REDACTED] and to search his back. He then saw Grant hitting or trying to hit Domenici and the others converging on her. Pirone stated he saw concern and fear on Domenici's face.

We then showed Pirone a portion of the L [REDACTED] video. The clarity of this video is not good, but it appears to show Pirone handcuffing G [REDACTED] and then immediately walking towards Grant and using force against Grant. Pirone agreed that it was him (Pirone) in the video. After viewing, Pirone stated he had just finished handcuffing G [REDACTED] and saw that Grant and the other detainees had stood up. They had previously been ordered to sit down. He saw Grant standing close to Domenici. Grant, as well the other detainees (not specific), appeared to be hitting or trying to hit Domenici's arm. Pirone stated he saw fear in Domenici's eyes and believed they were losing control. Pirone stated many people were now off boarding the train and it was very loud. He could not hear what Domenici was saying. He perceived Grant as the greatest threat and approached him. Pirone stated that Grant turned towards him and tried to throw a right-handed punch at him. He caught the punch under his left arm, stepped in and absorbed it. He then shoved Grant against the platform glass to get Grant off balance. Grant then tried to pull away and he grabbed Grant's right wrist and began pushing down on the back of Grant's head. He was trying to bend Grant forward. Pirone recalled Grant kicking him in the groin. Pirone was focused on Grant and not aware of what the other detainees or Domenici were doing or saying. He felt like he was fighting

REPORTING OFFICER(S)

AlCo S47 / Alkire L13

RECORDING OFFICER

S47

DATE / TIME PREPARED

3-2-09, 1415

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☐ BART SAFETY

☐ BART INSURANCE

☒ OTHER: AlCo DA, FBI

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<p>for his life. He then drew his TASER, pointed it at the detainees and directed them to sit down. Pirone continued to display his TASER in order to maintain their compliance and then stepped back. Pirone stated that, in his mind, G [REDACTED] and Grant were under arrest for resisting arrest. Pirone was not injured.</p> <p>In the V [REDACTED] video, Ofc. E. Knutson can be seen handcuffing a male (identified as A [REDACTED] on the platform. This portion of the video was not shown to Pirone.</p> <p>The C [REDACTED] video has many segments. Only the longest segment was shown to Pirone. It was taken from inside a train car near the detainees. When the video starts, two uniformed officers (believed to be Guerra and ehserle) have their backs to the camera and appear to be watching over the detainees. Pirone enters the video from the left and points in the direction of the males sitting on the platform. Pirone stated that when he entered the video, he had just returned from speaking with the train operator (K [REDACTED] W [REDACTED]) and that W [REDACTED] had advised him that he had the people who had been causing problems on her train. Pirone then pointed in the direction of the detainees and announced (unclear to whom) that G [REDACTED] and Grant were under arrest. When asked, Pirone stated no field ID was done with W [REDACTED]</p> <p>According to Pirone, he noticed that Grant started to stand up without being directed. He perceived this as a threat and walked up to Grant. He leaned forward and placed his left knee on Grant's leg in order to cause pain and to stop him. He then used his body weight to pin Grant down. At this time, Grant was yelling profanities at him. Grant then sat back down and Pirone stepped back and away from Grant. Pirone believed that using bodily force, at that point, was the best option. A few moments later,</p>				
REPORTING OFFICER(S) S47 / Alkire L13		RECORDING OFFICER S47	DATE / TIME PREPARED 3-2-09, 1415	APPROVED BY: <i>[Signature]</i>
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<p>Grant is squatting. Mehserle then places Grant onto the floor and Pirone recalls using his hands to press down on Grant's shoulders. This video also shows Pirone placing his left knee on Grant's upper body. Grant then moves and Pirone adjusts and places his right knee on Grant's upper body. Pirone described that Grant was squirming and not allowing himself to be handcuffed.</p> <p>The C [REDACTED] video (not shown to Pirone) captured a similar portion of the event, from a similar angle, as the C [REDACTED] videos.</p> <p>In the J [REDACTED] D [REDACTED] video (not shown to Pirone), Mehserle and Pirone are seen struggling with Grant. Also in this video, the camera pans toward Ofc. Knutson and he is seen handcuffing a male (identified as A [REDACTED]) laying on the platform.</p> <p>On 3/3/09, Lt. Alkire and I had a brief meeting with Assistant District Attorney II Thomas Rogers. We advised Rogers that we were investigating Pirone's uses of force on 1/1/09 and evaluating if any crime had occurred. Rogers acknowledged that his Office already had most of the reports from the Mehserle investigation and would re-contact us if any additional work was needed. On 3/5/09, Asst. DA Rogers called me and stated that a brief written summary of my current investigation would be adequate for review by his Office. This summary was prepared and submitted, without recommendation, to the Alameda County District Attorney's Office on 3/20/09 for their review and disposition.</p> <p>Lt. Alkire and I also reviewed the actions of the remaining officers on the platform (M. Domenici, N. Flores, J. Guerra, E. Knudtson and J. Woffinden). We did not find any conduct that would rise to the level of a criminal offense or warrant a criminal investigation.</p>				
REPORTING OFFICER(S) S47 / Alkire L13		RECORDING OFFICER S47	DATE / TIME PREPARED 3-2-09, 1415	APPROVED BY: <i>[Signature]</i>
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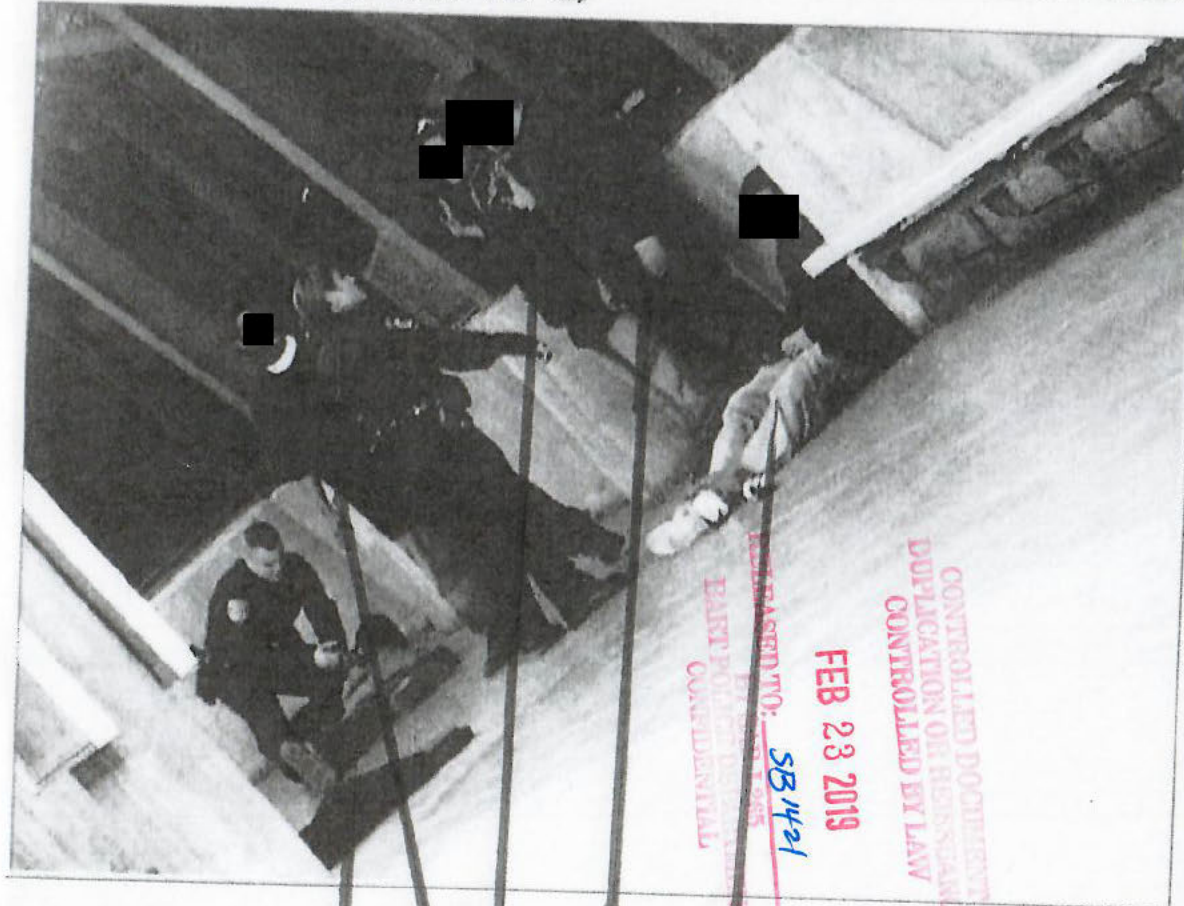
<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027
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<p>The following items related to this portion of the investigation were booked into BART Police Evidence by using the Alliance Report Writing System (they are listed here for reference):</p> <p>#1 One CD recording of the Domenici interview on 3/7/09.</p> <p>#2 Thirteen (13) photos shown to Domenici during her interview on 3/7/09.</p> <p>#3 One CD recording of the Pirone interview on 3/17/09.</p> <p>#4 One (1) photo shown to Pirone during his interview on 3/17/09.</p> <p>#5 One CD received from Cmdr White on 2/9/09 via the Alameda County DA's office.</p> <p>#6 One CD received from DA Insp Brock containing the D [REDACTED] and C [REDACTED] videos.</p>				
<p>CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p>FEB 23 2019</p> <p>RELEASED TO: SB 1421 BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p>				
REPORTING OFFICER(S) Sgt S47 / Alkire L13		RECORDING OFFICER S47	DATE / TIME PREPARED 3-2-09, 1415	APPROVED BY: <i>[Signature]</i>
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PHOTO REFERENCE GUIDE

0901-0027

VirtualDub 1.9.0 - [K: video of Shooting - Part 2.AVI]

File Edit View Go Video Audio Options Tools Help



#1 #2 #3 #4 #5

AFS47 3-7-09

3/7/09

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7080

Frame 275 (0:00:09.167) [K]

0901-0027

VirtualDub 1.9.0 - [redacted] video of shooting.AVI

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PHOTO 1

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0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 990
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0901-0027

VirtualDub 1.9.0 - [REDACTED] video of Shooting - Part 2.AVI

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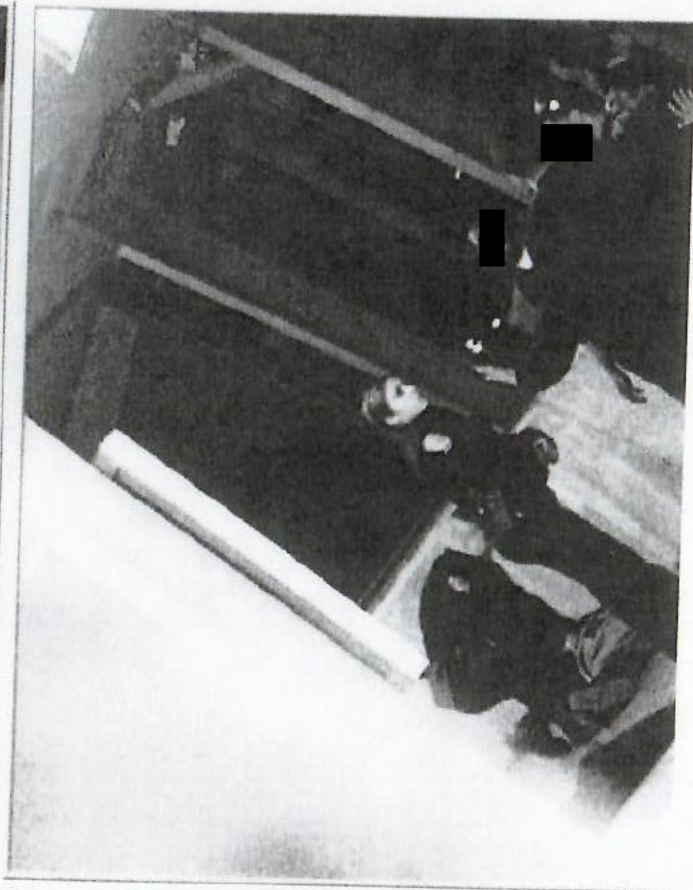
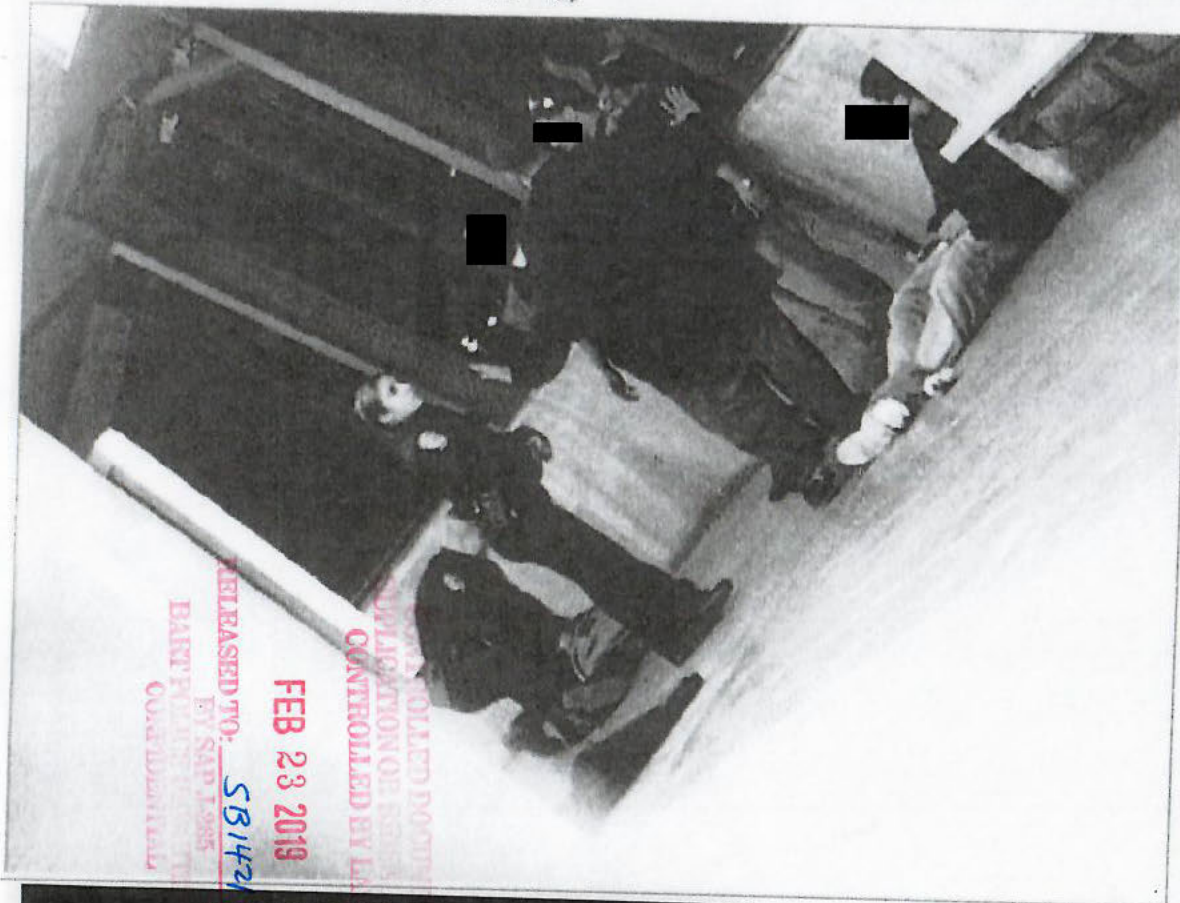


PHOTO 2

3/7/09
MRS.

DFS 47 3-7-09

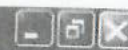
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0901-0027

VirtualDub 1.9.0 - [Redacted] Video of Shooting - Part 2.AVI

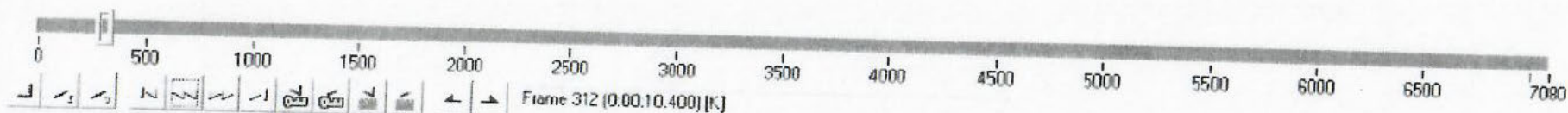
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PHOTO 3

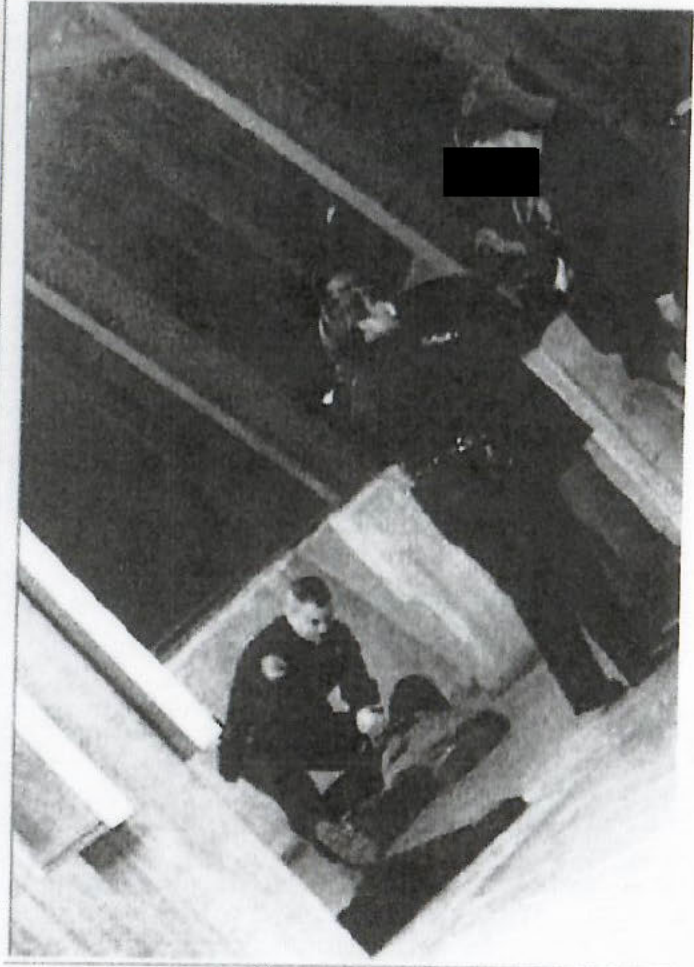
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0901-0027

Video of Shooting - Part 2.AVI]

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2/2/09
AF S47 3-7-09

PHOTO 4

0901-0027

VirtualDub 1.9.0 - [REDACTED] Video of Shooting - Part 2.AVI
File Edit View Go Video Audio Options Tools Help



CONTROLLED DOCUMENT
REPLICATION OF RESISTANCE
CONTROLLED BY LAW
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BY SAP 1985
HAFI POWER DEPARTMENT
CONFIDENTIAL

FEB 23 2019

PHOTO 5

3/7/09
(HAR)

AFS47 3-7-09

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000
Frame 216 (0:00:07.200) [K]

11:44 AM

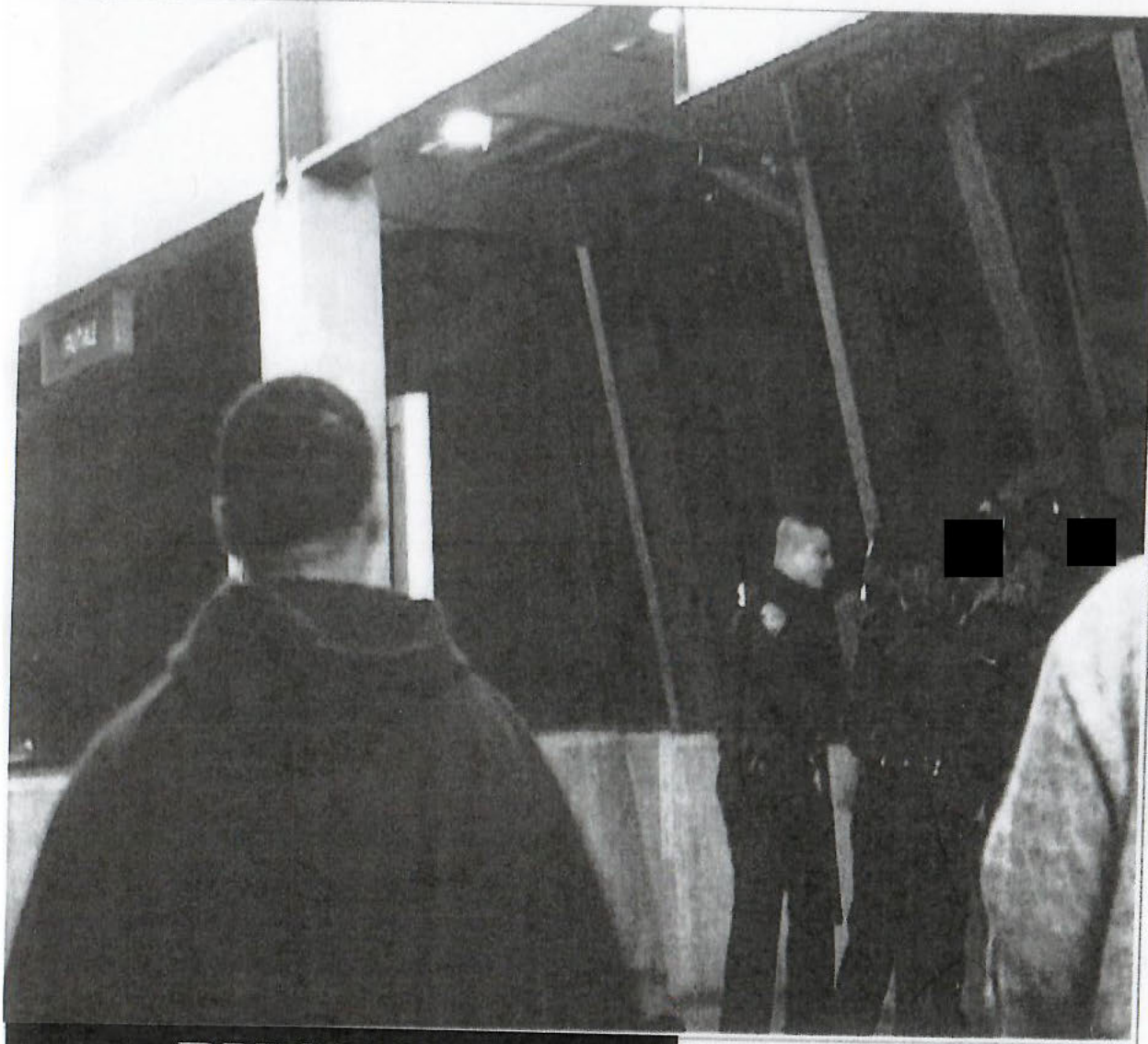
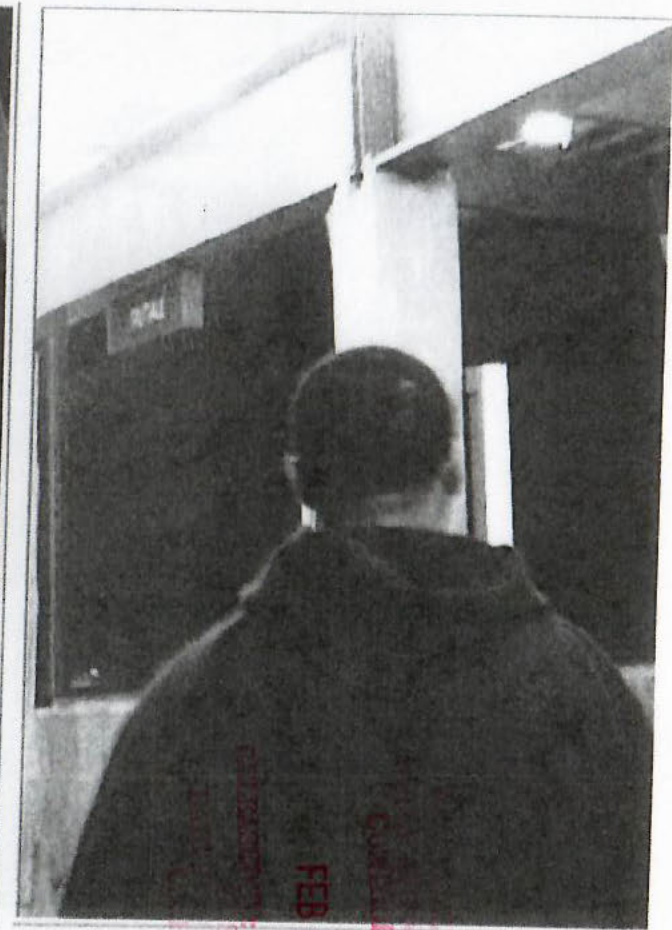


PHOTO 7



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ED BY LAW
OF RESISTANCE

0901-0027

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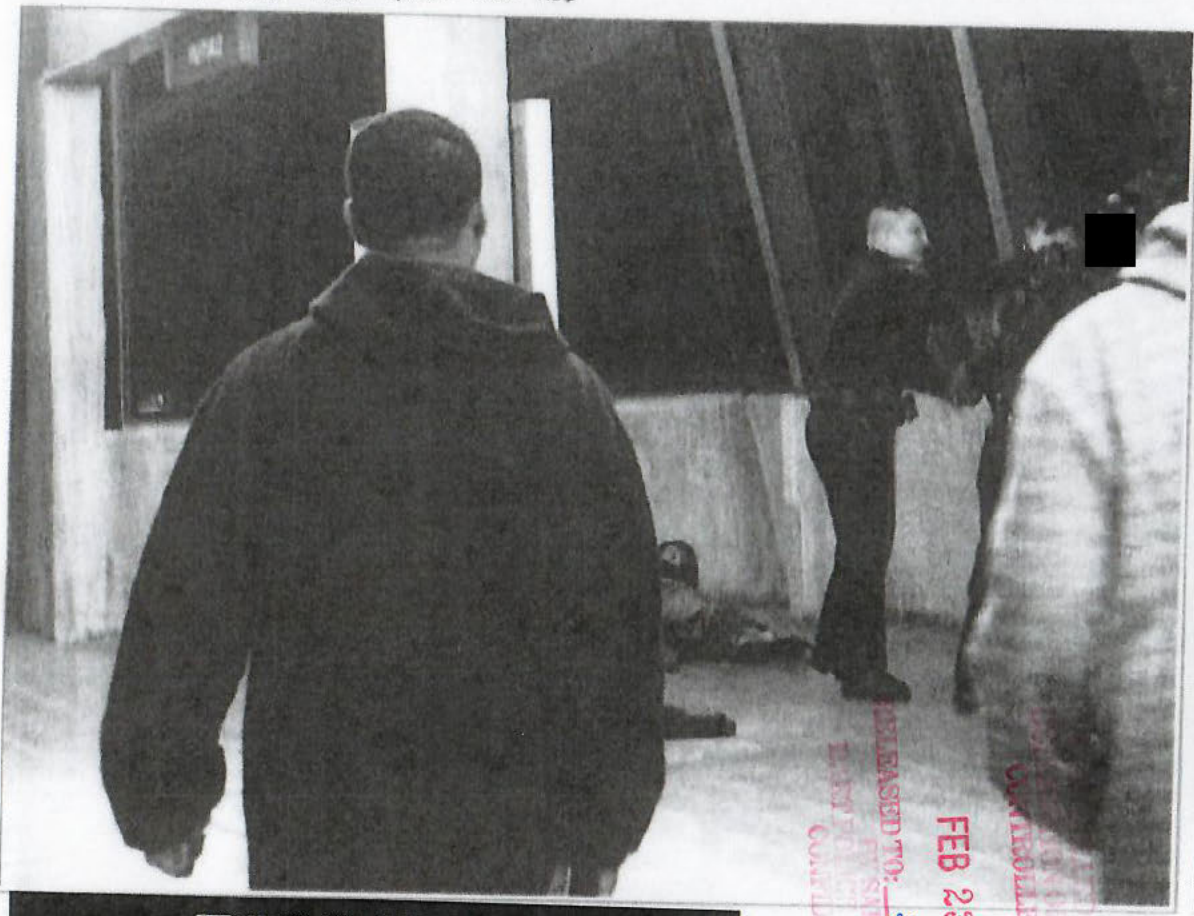


PHOTO 8

ALL DOCUMENTS
CONTAINED HEREIN ARE UNCLASSIFIED
DATE 02-23-2019 BY 58142
RELEASED TO: FBI
CONFIDENTIAL

3/2/09
AFS47 3-7-09

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000
Frame 580 (0:00:19.333) [K]

0901-0027

VirtualDub 1.9.0 - [REDACTED] video of Shooting - Part 2.AVI

File Edit View Go Video Audio Options Tools Help



PHOTO 9

3/7/09
[initials]

NFS47 3-7-09

RELEASED TO: FBI S&P 1-985
RECEIVED BY: [unclear]
CONFIDENTIAL
FEB 23 2019
RELEASED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW



0901-0027

VirtualDub 1.9.0 - [REDACTED] video of Shooting - Part 2.AVI

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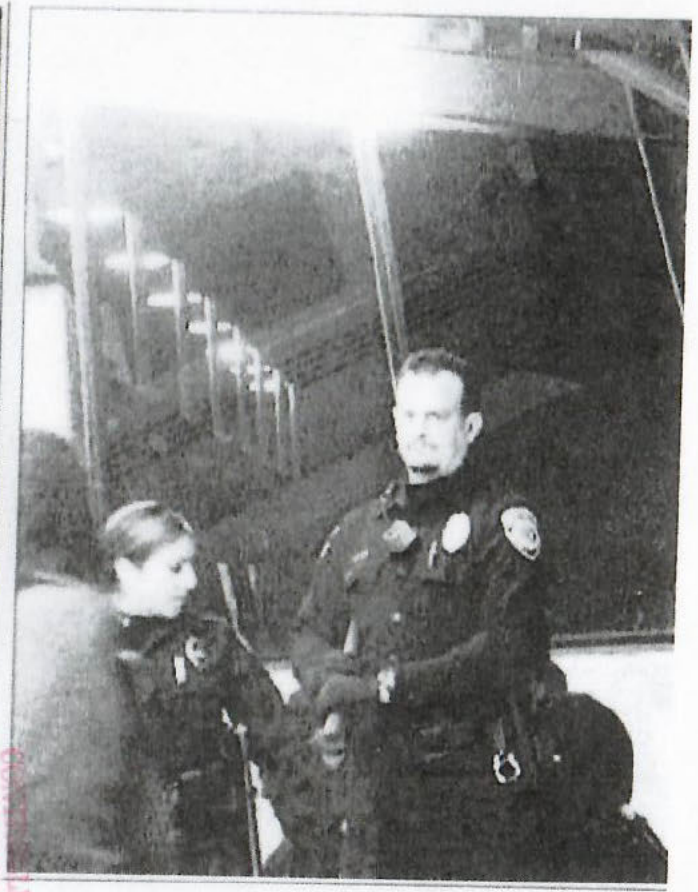
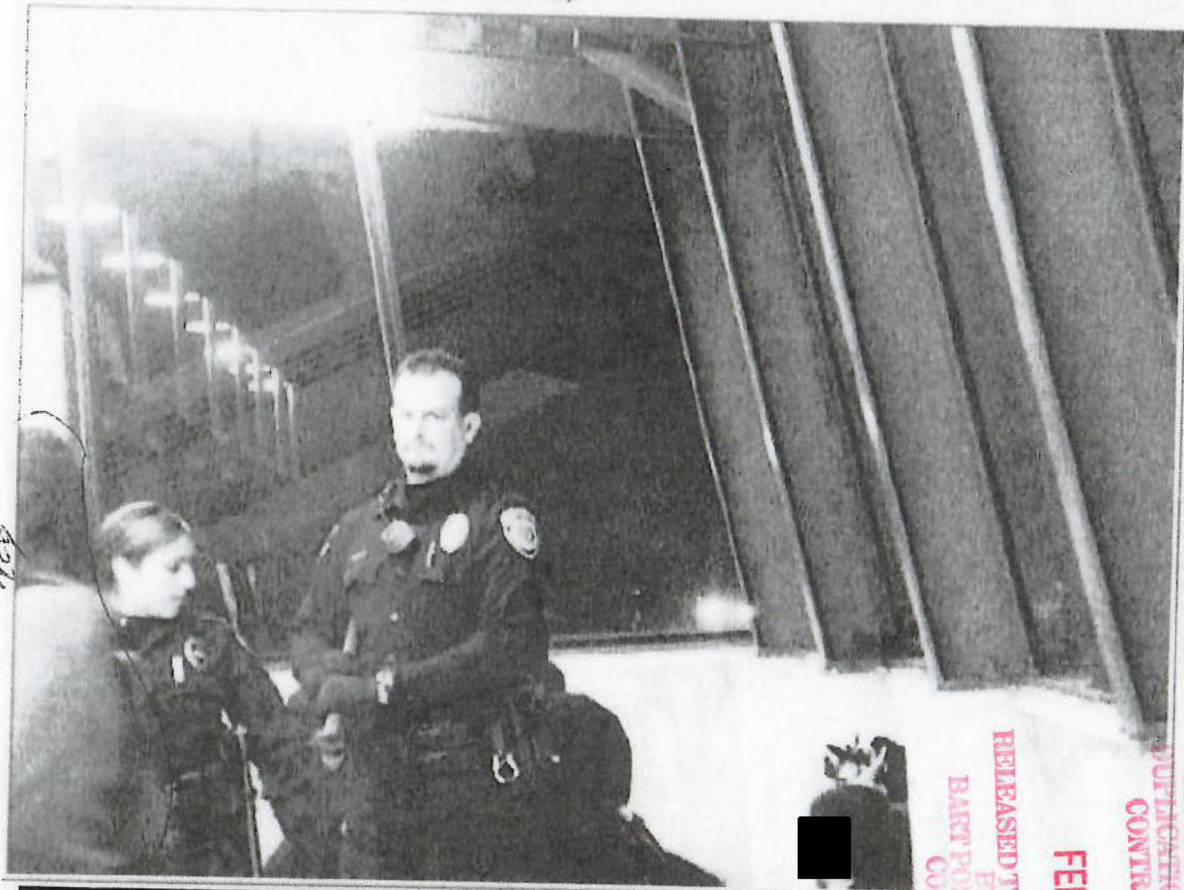


PHOTO 10

RELEASED TO: SB 142
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BART POLICE DEPARTMENT
CONFIDENTIAL
CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

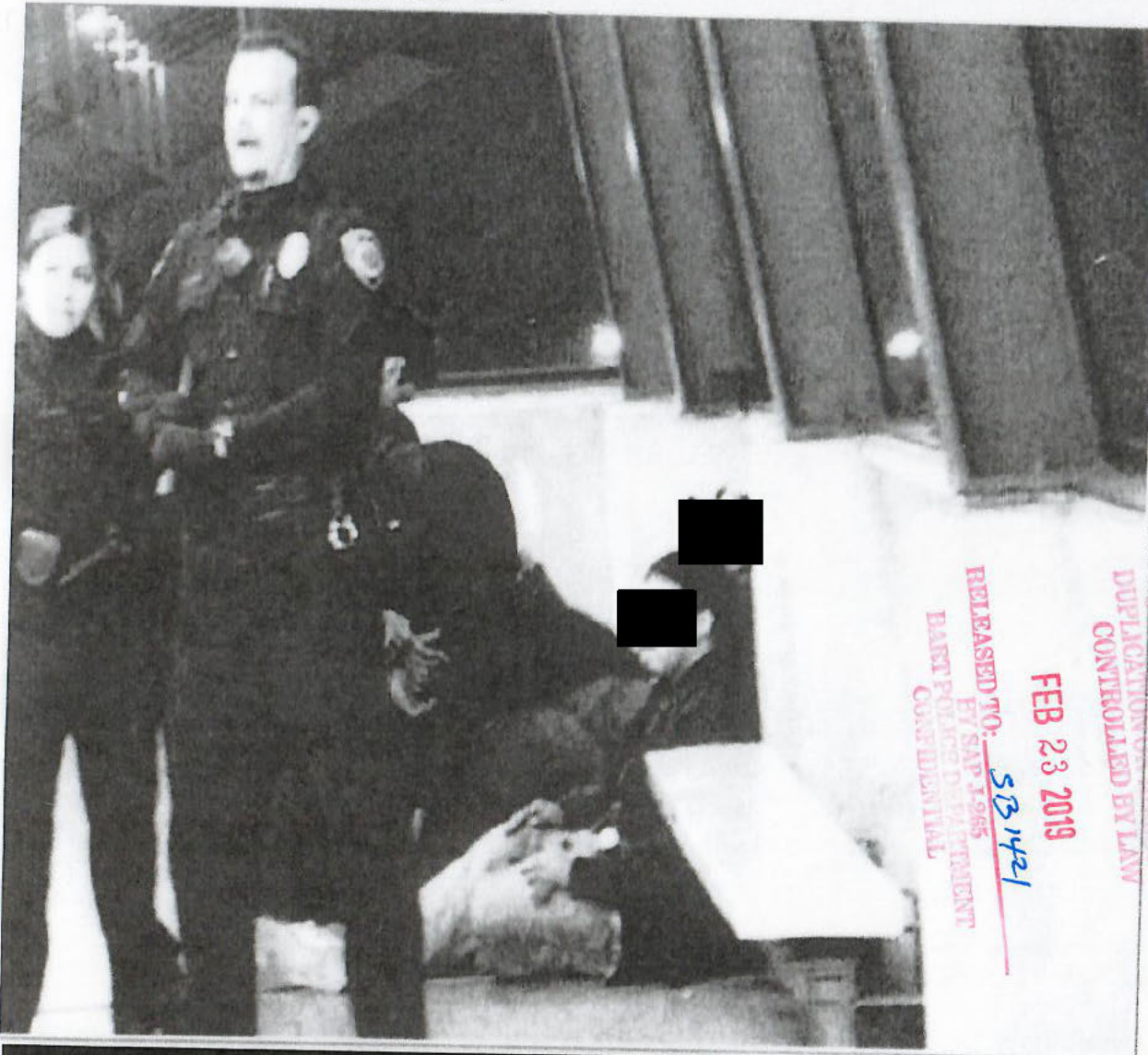
AF 347 3-7-09

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Frame 4628 (0:02:34.265) [K]

0901-0027

VirtualDub 1.9.0 - [REDACTED] Video of Shooting - Part 2.AVI

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IS PROHIBITED



4/1/09
AFS47
3-7-09

PHOTO 11

Frame 4565 (0:02:32.165) [K]

3500 4000 4500 5000 5500 6000 6500 7000

0901-0027

VirtualDub 1.9.0 - [oscar grant 008.mpg]

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3/7/09
mhu

AF 547 3-7-09

PHOTO 12

1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2970
201 [1]

Case# 0901-0027

VirtualDub 1.9.0 - [Video of Shooting - Part 2.AVI]
File Edit View Go Video Audio Options Tools Help



Photo Reference Guide

AFS47 3-17-09

PIRONE INTERVIEW

0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000
Frame 269 (0:00:08.967) [K]

start VirtualDub 1.9.0 - [Ka...]

5:46 AM

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-14-09, 1030 Hours

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-Involved Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 1-1-09, at approximately 0215 hours, I responded to the Fruitvale BART Station on a report that shots had been fired. I arrived at approximately 0225 hours. Upon my arrival, a crime scene had already been established and the interior of the station was blocked off with barricade tape.

I checked in with the logging officer. Lts. Cagaanan and Ledford were at the scene. I contacted Lt. Ledford. Lt. Ledford advised me that officers had responded to a disturbance occurring on the southbound train. He advised that officers had detained several suspects, and that during the detention, Officer Mehserle's gun had discharged. He stated that one subject had been hit, emergency medical was called, and he had been transported to the hospital. Lt. Ledford was still gathering additional information.

I consulted with Lt. Ledford and ensured the following:

- Confirmed that the person shot had been immediately transported to the hospital, and that an officer was with him;
- That the crime scene had been properly secured;
- Assessed the number of officers at the scene, and requested that the zones send any available personnel;
- Assured that the involved officers were being sequestered, and that plans had been made to conduct GSR tests and inspect the weapons of all the officers at the scene.

Commander White arrived shortly after I did. We consulted, and decided to transport all officers and involved subjects to headquarters at Lake

REPORTING OFFICER(S)

Gibson C7

RECORDING OFFICER

C7

DATE / TIME PREPARED

1-14-09, 1030 HRS

APPROVED BY:

[Signature]

DISPOSITION:

☐ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES

☐ TAG

☐ SET

☐ TRAFFIC

☐ BART SAFETY

☐ BART INSURANCE

☐ OTHER:

☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-14-09, 1030 Hours

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-Involved Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Merritt Station. This was done as soon as enough officers were onscene.

At about 0310 hours, I transported Officers Pirone and Domenici to Lake Merritt. I gave them both direct orders not to talk en-route, and not to talk about the incident until they were interviewed by investigators. We arrived at Lake Merritt at approximately 0325 hours. Pirone and Dominici, along with the other officers present during the incident were placed in separate rooms pending interviews. The civilian subjects were also sequestered and monitored by uninvolved officers.

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REPORTING OFFICER(S)

Gibson C7

RECORDING OFFICER

C7

DATE / TIME PREPARED

1-14-09, 1030HRS

APPROVED BY:

[Signature]

DISPOSITION:

☐ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #
0901-0027

PAGE
1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

On 12-31-08 at about 1800 hours, I arrived at the Lake Merritt Police Facility to assume my New Year's Eve patrol assignment. I was informed that I would be teamed up with Officer Guerra.

On 01-01-09 at about 0119 hours, Officer Guerra and I responded to the West Oakland BART Station regarding a man (later identified as D [REDACTED] with a gun). When Officer Guerra and I arrived D [REDACTED] was already detained. Lieutenant Ledford ordered me to ride with AMR 504 to Highland Hospital and stay with D [REDACTED] until properly relieved. Officer Guerra and I split up at this point. AMR 504, with me included, arrived at Highland Hospital at about 0149 hours. I remained with D [REDACTED] until about 0500 hours. I then drove directly to the Lake Merritt Police Facility at which time I went off duty.

I was not present at the Fruitvale BART Station at the time of the incident, nor was I there anytime afterward to assist in the investigation.

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ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER	
BY OFFICER F. Guanzon 58266		DATE/TIME 01/10/2009 16:32	APPROVED BY Alan Fueng 56615
OFFICER		UNIT/SHIFT	DATE APPROVED 01/10/09
		ASSIGNED TO	CASE STATUS

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #
0901-0027

PAGE
1 OF 2

OFFENSE(S)

148 (A) PC; Obstructs/Resists Public Officer/Etc; Misd.
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 03:20 Thursday TO 01/01/09 03:29 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Assigned to transport two unknown subjects to the Lake Merritt BART Station from the Fruitvale BART Station.

SUSPECT(S) / ARRESTEE(S)

Codes: S - Suspect A - Arrestee D - Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE S	1 OF 2	NAME - LAST, FIRST, MIDDLE, SUFFIX [REDACTED]						ADDRESS 1		PHONE 1
RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2	
OCCUPATION							INJURIES	ADDRESS 3	PHONE 3	
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>				AKA'S			ARRESTEE DISPOSITION		RELEASE LOCATION	ARREST DATE / TIME /
DL	STATE		ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		BOOKING #		WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	CITATION #	SS#	CII#
CHARGES										

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

CODE 2 OF 2	NAME - LAST, FIRST, MIDDLE, SUFFIX [REDACTED]						ADDRESS 1		PHONE 1	
SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2		
OCCUPATION							INJURIES	ADDRESS 3	PHONE 3	
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>				AKA'S			ARRESTEE DISPOSITION		RELEASE LOCATION	ARREST DATE / TIME /
DL	STATE		ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		BOOKING #		WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	CITATION #	SS#	CII#
CHARGES										

FEB 23 2019

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NARRATIVE

On 1-01-09 at approximately 0300 hours, Sergeant S. Coontz(S-57) assigned Officer J. Zwetsloot#510 and I to return to the Lake Merritt Police Facility and obtain a patrol car and respond to the Fruitvale BART Station. Officer J. Zwetsloot#510 and I arrived at the Lake Merritt Police Facility together and obtained patrol vehicle#1023 and headed to the Fruitvale BART Station.

Officer J. Zwetsloot#510 and I arrived at the Fruitvale BART Station at approximately 0315 hours and was contacted by Lieutenant A. Ledford(L-16). Lieutenant A. Ledford(L-16) assigned me the duties of transporting two subjects that were involved with this incident back to the Lake Merritt Police Facility. The two subjects later identified as C [REDACTED] R [REDACTED]

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> WAP <input type="checkbox"/> OTHER			
BY OFFICER E. Hawkins 58225		DATE/TIME 01/11/2009 17:07	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/11/09
OFFICER		UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
2 OF 2

Supplemental Report

OFFENSE(S)

**148 (A) PC; Obstructs/Resists Public Officer/Etc; Misd.
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 03:20 Thursday TO 01/01/09 03:29 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Assigned to transport two unknown subjects to the Lake Merritt BART Station from the Fruitvale BART Station.

NARRATIVE

and R [REDACTED] A [REDACTED] were under the care of Officer E. Knudtson#533 when I was assigned to transport them. I took both R [REDACTED] and A [REDACTED] from the care of Officer E. Knudtson#533 while they were handcuffed and sitting on a bench near the station agent's booth. I later pat searched both R [REDACTED] and A [REDACTED] for weapons and then placed them in the rear seat of patrol vehicle#1096. After placing both R [REDACTED] and A [REDACTED] in the rear seat of the patrol vehicle, I advised them not to talk among themselves during the transport and they both complied.

At approximately 0320 hours, I advised dispatch that I was transporting R [REDACTED] and A [REDACTED] to the Lake Merritt Police Facility. At approximately 0329 hours, I arrived at the Lake Merritt Police Facility with R [REDACTED] and A [REDACTED] and during the transport nothing was said from either person nor myself.

I parked at the corner of 9th Street and Madison Street with R [REDACTED] and A [REDACTED] still in the rear seat of the patrol vehicle. I later turned over care of R [REDACTED] and A [REDACTED] to Officer N. Moore#562.

-Nothing Further-

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ADMINISTRATION

LOWUP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

E. Hawkins 58225

DATE/TIME

01/11/2009 17:07

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/11/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

BART POLICE CASE #0901-0027

WITNESS STATEMENT

OFFICER J. GUERRA #508

77508

On Thursday 01/01/2009, at approximately 0203 hours, I responded to assist with a fight on the lead car of a Dublin/Pleasanton bound train at the Fruitvale Station. I was wearing a full police uniform with a police jacket and my badge was exposed. I heard a radio broadcast that large group of males were fighting and that unit "1B10" (Officers T. Pirone and M. Domenici) were on scene. I also heard unit "1C10" (Officers J. Mehserle and J. Woffinden) and unit "1B14" (Officers E. Knudtson and N. Flores) were en route.

I arrived at the Fruitvale Station at approximately 0208 hours and parked my vehicle in the bus zone, adjacent to the station agent's booth. I proceeded to the Fremont / Dublin/Pleasanton platform (platform one). Upon my arrival, I observed four males seated and unrestrained on the floor of the platform. I also observed one male on the floor who appeared to be restrained with handcuffs. Officers Pirone, Domenici, Mehserle and Woffinden were already on scene. There was also a train on the platform and the doors were open. I assisted with the detention of the four males and then Officer Pirone pointed to two of the males and said they were under arrest.

Officer Mehserle had given one of the males a verbal order to turn around to be handcuffed. I do not know the subject's name however he was a lighter skinned, heavysset male with brown hair. The subject refused. Officer Mehserle drew his Electronic Control Device and issued another verbal order. I also ordered the male to place his hands behind his back. The subject eventually complied and I assisted Officer Mehserle and restrained the subject with my handcuffs.

I turned away and noticed a crowd of passengers had started to move in closer to our location. There were many passengers on the train. I observed that some of the passengers had started to become unruly and aggressive at yelled at us after we restrained the first subject with handcuffs. I feared that some of the crowd may try to rush us, so I kept a visual on the crowd (looking "BART north" and away from the other detained subjects, Officer Mehserle and Officer Pirone).

I heard a loud "pop" behind me and heard someone say "Oh Shit!" I turned around and saw one of the other detained males (GRANT) laying in a prone position on his stomach. I also saw that Officer Mehserle was standing near GRANT and his firearm was drawn. I suddenly became distracted when the unruly crowd started to advance towards us and one of the crowd members had tossed an unknown object in my direction. I was able to take another look at GRANT and noticed he had blood on his back and I believed he had been shot in the back. I immediately broadcasted a request for "CODE THREE MEDICAL FOR A GUNSHOT VICTIM" via my police radio. I also requested that the train

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on the platform leave because passengers from the train had started to off-board and create a larger crowd.

I ran from the platform, downstairs and to my patrol vehicle. I retrieved a gunshot trauma kit from my vehicle and ran back to the platform. I opened the kit and removed a large gauze pad from within. I lifted GRANT'S shirt and observed what appeared to be a gunshot entry wound in the center of his back. I placed the gauze pad over the wound and applied some pressure to try to stop the bleeding. I kept GRANT in the prone position and did not move his body since I was unsure if a bullet round had struck a critical or fragile area. I held the gauze in place and attempted to keep verbal contact with GRANT. I also continued to monitor whether GRANT was breathing. At 0218 hours, I requested dispatch provide an estimated time of arrival for the medical unit. I was told "8 minutes." I continued to monitor GRANT and then noticed Oakland Fire personnel had arrived on scene (approximately 0220 hours). I briefed the fire personnel on the situation and the location of the entry wound. I stood back as the fire personnel continued first aid.

END *7/7 508*

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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On Thursday, 01/01/2009 at about 0204 hours, I responded to the Fruitvale BART Station to a report of a 242PC: Battery aboard a train that was waiting on platform one. I was assigned to a two person cover unit with Officer N. Flores #552. While en-route to the Fruitvale BART Station, BART Dispatch advised that Officer T. Pirone #514 was in a "struggle" with several suspects. BART Dispatch requested that all officers not transmit, requesting a code 33: Clear radio channel for emergency traffic. I heard BART Dispatch advise over the police radio that Officer Pirone needed more officers. Officers J. Mehserle #544 and J. Woofinden #547 arrived before me per their radio traffic.

Officer Flores and I arrived at the Fruitvale BART Station at about 0209 hours and went to platform one to assist the officers already on-scene. I took the up escalator from the concourse level of the station to platform one, on the North side of the platform. Officer Flores also entered the station (see Officer Flores' supplemental report).

Once on the platform, I saw a train being held and a crowd gathered toward the front of the train on the south end of the platform. I ran to assist the officers already on scene. As I approached the officers, I saw that they were giving commands to several suspects to stop resisting and get on the ground. Several of the officers had their department issued tasers in hand and were giving commands to get on the ground. I had a difficult time hearing exactly what was said and by whom, due to the unruly crowd aboard the train that had spilled onto the platform. I do not remember which officers had their tasers out, because I was focused on several individuals who were between the officers and the train.

The individuals were taunting the officers with clinched fists and bladed stances. The suspects were growing more hostile with each command from the officers. The individuals were yelling at the officers and not following their commands to get back and get on the ground. The crowd also appeared to be encouraging the suspects' actions.

One person in particular (later verbally identified as F [REDACTED] B [REDACTED] A [REDACTED]) made several advances towards Officer Pirone with a bladed stance and clinched fists and was one of the more aggressive individuals. I detained A [REDACTED] placed him in handcuffs, checked them for proper fit and double locked them. I was also focused on another suspect (Later identified by his California Identification Card as C [REDACTED] A [REDACTED] R [REDACTED] who was aggressive and attempted to leave the scene. I detained him with the help of Officer Woffinden.

While checking the handcuffs on A [REDACTED] I heard what appeared to be a fire cracker that had just exploded. I initially thought the noise was fireworks similar to what I had heard earlier in the evening around midnight. I also thought it could possibly have been a taser being deployed.

I continued to focus on A [REDACTED] and R [REDACTED] as well as several other unidentified individuals who were now throwing objects at me and the other officers on scene. The doors of the train closed and opened several times before finally closing and leaving the station. Once the crowd left, I looked around to asses anymore possible threats. I saw Officer J. Guerra #508 applying medical dressing to the back of one of the suspects

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(Later identified as Oscar Grant). I remember hearing another officer ask me to go downstairs and direct medical personnel to the platform. Once the scene had been contained, I went downstairs to get medical personnel from the front of the station.

I contacted an unidentified Oakland police officer who was with A [REDACTED] and R [REDACTED]. The Oakland officer gave me A [REDACTED] personal information. R [REDACTED] directed me to his wallet that was located in his front left pants pocket, where I found his California Identification Card.

I stayed with A [REDACTED] and R [REDACTED] until they were transported to the Lake Merritt BART Police Station for questioning. I also returned to the BART police station to write my supplement report to this incident.

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BART POLICE DEPARTMENT
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POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-05-09/1230

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

243.3PC, 148PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01-01-09 at approximately 0215 hours I responded along with Lt. Kevin Franklin from the Oakland West BART Station to the Fruitvale Station for a report of officers requesting assistance with a large crowd of patrons. The officers had been dispatched to the station for a report of a fight aboard a train. While enroute, I heard that there was a person with a gunshot wound at the scene and that medical was requested. Soon after, Officer Pirone #514 advised on the radio that he needed a lieutenant at the scene as soon as possible.

Upon our arrival, Lt. Franklin and I proceeded up to the Fremont platform. I could see that there were several people handcuffed on the platform and one was laying prone on his stomach. I contacted Sgt. Alvarez S-30 who told us that Officer Mehserle #544 had been involved in a shooting. Lt. Franklin took Officer Mehserle #544 from the scene at that time (see supplement by Lt. Franklin). I checked on the person who was shot and could see that Officers Guerra #508 and Pirone #514 were providing first aid. As medical arrived, I began to determine what other resources we would need at the scene.

I assigned Officer Cruz #423 to ride in the ambulance with the injured person. Officer Flores #552 started a crime scene log and the scene was secured. I requested that Officer Shipley #309 (who is also a field evidence technician) respond to the Lake Merritt police facility to photograph and conduct gun shot residue kits on all of the witness officers. Detective Enriquez #456 arrived and began the investigation. I was told by Commander White ensure that all of the involved officers and suspects were transported to the Lake Merritt police headquarters to be interviewed by detectives. Once enough personnel were on scene, the involved officers and suspects were transported separately to the Lake Merritt facility. Each transporting officer was told to contact detectives when they arrived at Lake Merritt.

Upon my arrival at Lake Merritt, I conducted separate weapons inspections on all of the witness officers. The result of the inspections are as follows:

REPORTING OFFICER(S) Lt. A. Ledford L-16	RECORDING OFFICER L-16	DATE / TIME PREPARED 01-05-09/1230	APPROVED BY: [Signature] 07/15/09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> OTHER:	<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027	
				DATE / TIME OF SUPPLEMENT 01-05-09/1230	
1. CODE SECTION(S) 243.3PC, 148PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>Officer J. Woffinden #547 - Sig Sauer P226, serial [REDACTED], weapon had a fully loaded 12 round magazine inserted into the magazine well and one round in the chamber. There were two fully loaded 12 round magazines in the magazine pouch.</p> <p>Officer A. Pirone #514 - Glock 35, serial [REDACTED], weapon had a fully loaded 15 round magazine inserted into the magazine well and one round in the chamber. There were two fully loaded 15 round magazines in the magazine pouch.</p> <p>Officer M. Dominici #496 - Sig Sauer P226, serial [REDACTED], weapon had a fully loaded 12 round magazine inserted into the magazine well and one round in the chamber. There were two fully loaded 12 round magazines in the magazine pouch.</p> <p>Officer E. Knudtson #533 - Sig Sauer P226, serial [REDACTED], weapon had a fully loaded 12 round magazine inserted into the magazine well and one round in the chamber. There were two fully loaded 12 round magazines in the magazine pouch.</p> <p>Officer J. Guerra #5080 - Sig Sauer P226, serial [REDACTED], weapon had a fully loaded 12 round magazine inserted into the magazine well and one round in the chamber. There were two fully loaded 12 round magazines in the magazine pouch.</p> <p>Officer N. Flores #552 - Sig Sauer P226, serial [REDACTED], weapon had a fully loaded 12 round magazine inserted into the magazine well and one round in the chamber. In his magazine pouch were two 12 round magazines, one of which had 12 rounds and one had 11 rounds. As I started the inspection he told me that he had one magazine that was short one round and that it had been that way for some time. I inspected the weapon for any odor of recently being fired and/or residue in the barrel, but did not locate anything to indicate that it had been recently fired. As stated</p>					
REPORTING OFFICER(S) Lt. A. Ledford L-16		RECORDING OFFICER L-16		DATE / TIME PREPARED 01-05-09/1230	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: [Signature] COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/9/09 0837 hrs

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)		
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 1/01/09, at 0430 hours I arrived at the Lake Merritt Police Station to report for patrol duty and was assigned by Lieutenants Ledford #L-16 and Franklin #L-11 to assist with the drug and alcohol testing of Officer Mehserle. I was asked to observe Mehserle prior to the testing.

I located Mehserle in the small conference room at the Lake Merritt Police Station. Mehserle was in the room with BPOA President, Officer J. Sekhon and Officer T. Foreman. I advised them that I was assigned to observe Mehserle until the drug and alcohol test technician arrived. I participated in conversation with the the three. The case in question was never discussed. I did not notice any signs that would have lead me to believe that Mehserle was under the influence of any substance.

I was advised on the radio that Mehserle's personal property was located in a police vehicle parked at the corner of 8th Street and Oak Street. I left the room to retrieve his property. When I arrived at the top of the stairs which lead to 8th and Oak, I located his property in a car and also met up with the drug and alcohol technician, who was waiting to get into the locked BART station.

I escorted the technician to Mehserle's location. Upon our arrival back with Mehserle, I attempted to get the testing process started. Mehserle's attorney had arrived and asked for privacy to confer with him. I relocated the technician to an open desk in another nearby room. He began to set up his equipment and paperwork. I was notified that Mehserle's attorney was ready to talk to me about the testing process. The attorney questioned the reason behind the drug and alcohol testing. I advised him that it was standard practice to conduct the tests after an incident like the one that had occurred. I had two forms pertaining to the testing process that I had got out of the Police department's form cabinet. The attorney asked to see

REPORTING OFFICER(S) J. LEDFORD S-37	RECORDING OFFICER S-37	DATE / TIME PREPARED 1/9/09 0737	APPROVED BY: J. L. 13
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:	

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

This will be a scanned doc supplemental report.

NARRATIVE

My report will be written as a scanned document. (See attached documents).

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

J. Ledford 55998

DATE/TIME

01/09/2009 08:33

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/10/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/10/09 1725 hrs.

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer Involved Shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Approximately 0630 hours on 1/4/09, I met the following BART PD officers at the Fruitvale BART station: Detective Sergeant Alan Fueng, Detectives Joel Enriquez, Anisa McNack, Mike Maes, Tom Smith, Officer Anthony Pirone and Pirone's attorney Dan McNamara. The purpose of the meeting was to do a "walk-through" of the scene of this case with Officer Pirone. I was there as an observer and did not ask questions.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421

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BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

F. Lacarelli L21

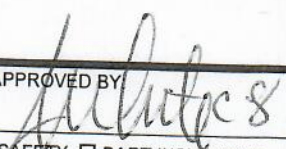
RECORDING OFFICER

MC L21

DATE / TIME PREPARED

1/10/09 @ 1725

APPROVED BY



DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

PAGE 1 OF 3		POLICE REPORT				CASE # 0901-0027	
O/A #		BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607				MASTER #	
LAB #						CITATION #	
1. CODE SECTION(S) 243.3/148 PC		2. CRIME(S) / CLASSIFICATION(S) BATTERY/DELAYING-RESISTING POLICE OFFICERS				<input type="checkbox"/> ADDITIONAL CRIMES <input type="checkbox"/> OUTSIDE ASSIST <input type="checkbox"/> WARRANT SERVICE <input type="checkbox"/> CITIZENS' ARREST	
3. DAY / DATE / TIME OCCURRED THURSDAY 010109 0202HRS		4. DATE / TIME REPORTED 010109 0202HRS		5. TIME DISPATCHED		6. TIME ARRIVED	
7. STATION OR OTHER LOCATION OF OCCURRENCE FRUITVALE BART STATION-TRAIN #523						8. CITY OAKLAND	
9. <input checked="" type="checkbox"/> TRAIN <input type="checkbox"/> AGENT'S BOOTH <input type="checkbox"/> RESTROOM <input type="checkbox"/> ELEVATOR <input type="checkbox"/> PARKING STRUCTURE <input type="checkbox"/> BUS ZONE <input checked="" type="checkbox"/> PLATFORM <input type="checkbox"/> PAID AREA <input type="checkbox"/> OFFICE/ROOM <input type="checkbox"/> ESCALATOR <input type="checkbox"/> PARKING LOT <input type="checkbox"/> TAXI ZONE <input type="checkbox"/> TRACKWAY <input type="checkbox"/> FREE AREA <input type="checkbox"/> STAIRWAY <input type="checkbox"/> PLAZA <input type="checkbox"/> ACCESS ROAD <input type="checkbox"/> OTHER						10. ADDL LOC. (LOT, STALL#, ETC.)	
11. TRADEMARK REPORT OF BATTERY ON TRAIN		12. WEAPON / INSTRUMENT USED UNKNOWN		13. VICTIM'S ACTIVITY PRIOR TO OFFENSE			
14. TYPE OF PROPERTY TAKEN / DAMAGED		15. EST. LOSS / DAMAGE AMOUNT		16. INJURIES			
17. <input checked="" type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input type="checkbox"/> I/P - LAST, FIRST, M.I. Pirone, A. #514		18. RESIDENCE ADDRESS -----				19. RES. PHONE -----	
20. OCCUPATION Police O		21. RACE/SEX		22. AGE		23. D.O.B.	
24. BUSINESS ADDRESS 800 Madison St, Oakland		25. BUS. PHONE 464-7000					
26. <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input type="checkbox"/> I/P - LAST, FIRST, M.I.		27. RESIDENCE ADDRESS				28. RES. PHONE	
29. OCCUPATION		30. RACE/SEX		31. AGE		32. D.O.B.	
33. BUSINESS ADDRESS		34. BUS. PHONE					
35. SUSPECT #1 - LAST, FIRST, MIDDLE GRANT OSCAR		36. RACE/SEX BM		37. AGE 22		38. HT. 5'9	
		39. WT. 175		40. HAIR BLK		41. EYES BLK	
		42. D.O.B.		43. <input type="checkbox"/> BOOKED <input type="checkbox"/> DETOX <input type="checkbox"/> JUV HALL <input type="checkbox"/> 849(b) <input type="checkbox"/> CITED <input type="checkbox"/> GOA / UTL <input type="checkbox"/> R&R <input type="checkbox"/> RLSD. O/A <input checked="" type="checkbox"/> OTHER			
44. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS [REDACTED]				45. I.D. TYPE / # [REDACTED]			
46. BUS. PHONE		48. PARENT / GUARDIAN - LAST, FIRST					
49. CLEAR PIN / NCIC <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		50. CRIMINAL HISTORY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		51. BPD PRIORS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		52. <input checked="" type="checkbox"/> PROBATION <input checked="" type="checkbox"/> PAROLE <input type="checkbox"/> 290 REG. <input type="checkbox"/> 11590 REG. OFC. / AGT. PHONE	
53. SUSPECT #2 - LAST, FIRST, MIDDLE		54. RACE/SEX		55. AGE		56. HT.	
		57. WT.		58. HAIR		59. EYES	
		60. D.O.B.		61. <input type="checkbox"/> BOOKED <input type="checkbox"/> DETOX <input type="checkbox"/> JUV HALL <input type="checkbox"/> 849(b) <input type="checkbox"/> CITED <input type="checkbox"/> GOA / UTL <input type="checkbox"/> R&R <input type="checkbox"/> RLSD. O/A <input type="checkbox"/> OTHER			
62. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS				63. I.D. TYPE / #			
64. BUSINESS ADDRESS / SCHOOL		65. BUS. PHONE		66. PARENT / GUARDIAN - LAST, FIRST			
67. CLEAR PIN / NCIC <input type="checkbox"/> YES <input type="checkbox"/> NO		68. CRIMINAL HISTORY <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		69. BPD PRIORS <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		70. <input type="checkbox"/> PROBATION <input type="checkbox"/> PAROLE <input type="checkbox"/> 290 REG. <input type="checkbox"/> 11590 REG. OFC. / AGT. PHONE	
71. VEHICLE <input type="checkbox"/> VIC <input type="checkbox"/> SUS		72. YEAR		73. MAKE		74. MODEL	
75. BODY		76. COLOR(S)		77. LICENSE # FEB 23 2019		78. STATE	
79. TOWED <input type="checkbox"/>		80. VEHICLE <input type="checkbox"/> VIC <input type="checkbox"/> SUS		81. YEAR		82. MAKE	
83. MODEL		84. BODY		85. COLOR(S)		86. LICENSE # 5B144	
87. STATE		88. TOWED <input type="checkbox"/>		89. TRAIN #		90. CAR #(S)	
91. WINDOW #(S)		92. SEAT #(S)		93. MACHINE #(S)			
<input type="checkbox"/> ADDL VICTIM(S) <input type="checkbox"/> ADDL WITNESS(ES) <input type="checkbox"/> ADDL INVOLVED PARTIES <input type="checkbox"/> ADDL SUSPECT(S) <input type="checkbox"/> EVIDENCE / PROPERTY <input type="checkbox"/> HATE CRIME <input type="checkbox"/> EMERGENCY PROTECTIVE ORDER <input type="checkbox"/> WITHHOLD VICTIM'S NAME (P.C.220, 261, 261.5, 264, 264.1, 273a, 273d, 273.5, 286, 288a, 289, 422.6, 422.7, 422.75, 646.9)						<input checked="" type="checkbox"/> ARREST CONTROL DEVICE/WEAPON USED FIREARM	
REPORTING OFFICER(S) M. MacSwan 540		RECORDING OFFICER MSM 540		DATE / TIME PREPARED 01-10-09 1630HRS		APPROVED BY: AFS 471-10-09	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA		FAXED TO:			

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

010109 0202HRS

1. CODE SECTION(S)

243.3/148 PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY/DELAYING-RESISTING POLICE OFFICERS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A.

4. ADDRESS

800 Madison St, Oakland

5. PHONE

464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

NARRATIVE: On Thursday 01-01-09 at 0202hrs, BART Police dispatch reported a fight involving a large group of black males occurring on a train bound for the Fruitvale BART station. The fight was occurring on the first car of the train.

Several minutes later, I heard a broadcasted CODE 33 (emergency) requesting more officers to respond to the FRUITVALE BART station. While I was still responding to the scene, a request for a code 3 ambulance was requested for a gunshot victim.

I arrived minutes later at the Fruitvale BART station and found officers Pirone #514, Domenici #496, Knudston #533, Flores #552, Woffinden #544, Guerra #508, Sgt. Alvarez #S30, Togonon #S49 and Lt. Cagaanan #L18 at the scene.

Officers Pirone, Domenici, Guerra were on the platform (standing near the paramedics) when I arrived, while Officers Knudtson and Flores were down near the agent's booth. I don't recall Officer Woffinden's location when I arrived at the station. Sgt Alvarez was on the platform, while Lt. Cagaanan and Sgt. Togonon and I arrived at the station at the same time.

I arrived on the platform (Dublin-Fremont) to find several subjects detained, handcuffed and sitting on benches. I saw two unidentified Oakland Police officers on the platform attempting to calm down one of the subjects that had been detained.

While checking the platform, I located a spent bullet casing on the platform, located approx. 10 feet south of where paramedics were attending to a subject on the platform (later identified as Grant). I directed officer Guerra to preserve the area around the bullet casing.

REPORTING OFFICER(S)

M. MacAulay

RECORDING OFFICER

M. MacAulay

DATE / TIME PREPARED

01-10-09 1630HRS

APPROVED BY:

AFS47 1-10-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

POLICE REPORTBART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

010109 0202HRS

1. CODE SECTION(S)

243.3/148 PC

2. CRIME(S) / CLASSIFICATION(S)

BATTERY/DELAYING-RESISTING POLICE OFFICERS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A.

4. ADDRESS

800 Madison St, Oakland

5. PHONE

464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

American Medical Response (ambulance) transported Grant to Highland Hospital.

Both platforms were closed to patrons, and Sgt. Alvarez #S30 and I requested train run throughs (no stopping) only.

The four subjects (previously mentioned) who had been detained on the platform were brought to Lake Merritt for interviews. They were transported separately to Lake Merritt. I do not know which officers transported the subjects to Lake Merritt.

Officer Flores was designated as the crime scene log officer. He identified all officers and representatives from the District Attorney's Office who were on the scene during the investigation.

Detectives and crime scene technicians arrived as per request. At approx. 0445hrs, I transported officer Flores to Lake Merritt to await interviewing. I had no conversation at any time during my contact with him, other than my telling him not to discuss the incident with anyone. When we arrived at Lake Merritt, Officer Flores was left alone in Commander White's office. I then attended to other duties that required my attention, unrelated to this incident.

While at Fruitvale and the Lake Merritt station, I did not interview any officers related to this incident. See supplemental reports from Detective Division and crime scene tech officers.

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

M. MACAULAY S46

RECORDING OFFICER

MSM S46

DATE / TIME PREPARED

01-10-09 1630HRS

APPROVED BY:

AFS47 1-16-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-1-09 / 0415

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Division Supplement:

Attachments: Taser X26 User Certification Test, State of California - Department of Justice Training Reimbursement Request, BART Police Department Taser Training/Policy Distribution List, BART PD Taser Training sign in sheet.

On 1-1-09 about 0327 hours, I was on duty and in uniform at the Orinda BART station. I was providing station security due to a New Year's Eve special patrol deployment.

At that time, Detective Sergeant Fueng requested I respond to the Lake Merritt BART station to assist the BART police detective unit with an officer-involved shooting incident.

On arrival I learned that Officer Mehserle was the officer who had been involved in the shooting. I went to Officer Mehserle to offer my support. I located Officers Mehserle and T. Foreman #542 who were in the small conference room. Officer Mehserle was still in his full police uniform. Officer Mehserle commented that he wanted to change out of his uniform. I asked Officer Mehserle if his uniform had already been photographed; he said it had and that his gun and (ammo) magazines had already been replaced with the gun and magazines he was carrying. I noticed Officer Mehserle had a yellow Department Taser in a Taser holster that was mounted on the front and the left (support) side of his duty belt. The position of the Taser is described as an "across the body" draw with the non-support hand, if a person is right-handed. Officer Mehserle initiated the removal of his Taser and handed it to me.

I retained possession of the Taser (serial [REDACTED]) and returned to my

REPORTING OFFICER(S)

J. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-3-09 / 1245

APPROVED BY:

AF S47 1-4-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

Lt. F. Lucarelli

☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-1-09 / 0415

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

office. I noted that the holster's Taser retention hood was closed and snapped. I removed the Taser and noted that the exterior polymer housing was not damaged. The top of the Taser had a handwritten "1" on it, which is to indicate the Taser is assigned to the Zone 1 patrol division. The Taser had two live cartridges in it - one cartridge was mounted in the front and a second (backup) cartridge was mounted in the digital power magazine (DPM). The placement of the cartridges is standard for patrol duty. The Taser safety switch was in the safe position.

I removed the Taser cartridges from the Taser and placed plastic covers on them to render them safe for storage.

Detective Enriquez obtained a portable storage device (SanDisk memory stick) that apparently contained amateur video of the shooting. The person (T. C. [REDACTED]) who provided the video supposedly obtained the video while on the train at the Fruitvale BART station. Detective Enriquez provided the memory stick to Lt. Franklin who was successful in opening three video files on the card.

RELEASED TO: SB 1421

BY SAP J-265

In file MOV0253.MPG, I saw Officer N. Flores #552 with a yellow Taser in hand. Officer Flores was alone as he crossed the front of the camera. In file MOV0252.MPG, I saw Officers T. Pirone #514, J. Mehserle and J. Guerra #508 together. The three officers were attempting to detain four individuals. Officer Pirone does not appear to have anything in his hands. Officer Mehserle does not have anything in his left hand which is down and at his left side, but he does appear to have something in his right hand. Officer Mehserle's right arm is waist high and his arm appears pointed forward. There is a brief view of Officer Mehserle's right hand but it is unclear whether there is an object in his hand. There appears to be a laser light on one individual (Oscar Grant) who is

REPORTING OFFICER(S)

T. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-3-09 / 1245

APPROVED BY:

05 S47 1-4-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

Lt. F. Lucarelli

☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-1-09 / 0415

1. CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

seated directly in front of Officer Mehserle. Officer Guerra has nothing in his left hand, but he has a pair of handcuffs in his right hand.

It appeared to me, based on the video depicting the location of Officer Mehserle's hands and the presence of the laser light positioned on suspect Grant, that Officer Mehserle was holding a Taser in his right hand.

On 1-3-09 1529 hours, I phoned Officer Lehman, who is a Department Taser armorer, and made arrangements with him to meet with me on 1-4-09 at the BART police Concord substation, for the purpose of conducting a forensic examination of Officer Mehserle's Taser. A forensic examination is conducted to document trigger activations on the Taser.

As a Department Taser instructor, I retrieved Officer's Mehserle's Taser training records. Officer Mehserle participated in a Department six-hour Taser training class on 12-3-08. This training allowed Officer Mehserle to start carrying the Taser while on patrol. Sgt. Gregson, Office Lehman and I were the Taser instructors for the day. Officer Mehserle took a voluntary Taser exposure that day which was video taped by me. Officer Mehserle passed a Taser X26 User Certification Test. I photocopied Officer Mehserle's written test, and a class roster sign in sheet, Taser Training/Policy Distribution List, and Department of Justice Training Reimbursement Request, all of which contain Officer Mehserle's name and or signature.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-3-09 / 1245

APPROVED BY:

[Signature] 1-4-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

Lt. F. Lucarelli

☐ FAXED TO:



TASER

PROTECT LIFE

17800 N 85th St., * Scottsdale, AZ 85255 * USA * 800-978-2737 * Fax 480-905-2034
www.TASER.com

VERSION 14

TASER® X26 User Certification Test

PRINT LEGIBLY AND CLEARLY PLEASE!

Name: J. MEHSERLE #644 Dept. / Company: _____
 Rank: _____ Email: _____
 Phone: _____ Fax: _____
 Address: _____
 Training Date: 12/3/08 Location: LAKE MERRITT

1. What do the green blast doors indicate on a TASER cartridge?
 - a) 21 ft of line, extended probe needle, regular probe weight
 - ✓ ☒ b) 25 ft of line, regular probe needle, heavier probe weight
 - c) 25 ft of line, extended probe needle, heavier probe weight
 - d) 21 ft of line, regular probe needle, regular probe weight
2. Electricity follows;
 - a) The path of most resistance
 - b) From top to bottom following gravity
 - ☒ c) The path of least resistance between the probes
 - d) Or flows to any metal in contact
3. If you see a "P" on the CID of a TASER X26;
 - a) Immediately pull the DPM out
 - b) Turn on the device and spark test it
 - c) Pull DPM out during boot up sequence
 - ☒ d) Leave it alone until after it has finished the boot up sequence
4. According to TASER V14, the proper term to describe the TASER Devices is:
 - a) Propelled Energy Device
 - b) Conducted Energy Weapon
 - ☒ c) Electronic Control Device
 - d) Extended Stun Device

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5. The 15, 21, and 25 foot cartridges propel the probes at a _____ downward angle:
- a) 7 degree
 - ☒ b) 8 degree
 - c) 4 degree
 - d) 21 degree
6. When left in the armed position, the TASER CAM will record audio/video for _____ until powering down to sleep mode:
- a) 90 minutes
 - b) 30 minutes
 - c) 45 minutes
 - ☒ d) 20 minutes
7. Firing the probes into the body of a subject even at close or point blank range is usually a better option than a drive stun with the cartridge removed because;
- a) It allows the person deploying the ECD to disengage and still deliver the affects of the ECD
 - b) It allows the person deploying the ECD to drive stun away from the probes with the cartridge still attached and increase the affects if needed
 - c) A drive stun with a cartridge removed will usually result in more significant "signature" marks than a probe deployment
 - ☒ d) All of the above
8. A drive stun with the cartridge removed is sometimes not very effective because:
- a) It is usually difficult to maintain contact with a combative suspect.
 - b) The spread of the contact points on the suspect is generally not large enough to cause NMI.
 - c) A pressure point application on a combative subject may be difficult to achieve.
 - ☒ d) All of the above
9. The human nervous system has three main components that work together as a system. Which of the three components functions to send signals to the brain about such things as relative body positioning and pain?
- a) Central nervous system
 - b) Motor nervous system
 - ☒ c) Sensory nervous system
 - d) Century nervous system

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10. The two phases of Shaped pulse technology are:

stem
ARCH

11. What nerves are responsible for voluntary skeletal muscle movement:

motor

12. According to the TASER V14 training the term used for describing the incapacitating affects of the TASER ECD is;
- a) Electro-muscular disruption (EMD)
 - b) Electro-muscular incapacitation (EMI)
 - c) Neuro-muscular disruption (NMD)
 - ☒ d) Neuro-muscular incapacitation (NMI)
13. Which part of the human nervous system functions as the Command Center?
- a) Nerve Expressway
 - b) Motor nervous system
 - c) Sensory nervous system
 - ☒ d) Brain and Spinal cord
14. The TASER X26 ECD operates at a peak open gap 50,000 volts. A normal electrical wall outlet in the USA operates at about 110 volts and can be dangerous to a human. What is the main reason the electrical output of the TASER ECD is safer?
- ☒ a) Because the amps of the ECD are extremely low
 - b) Because the amps are extremely high
 - c) Because the wall outlet is pulsed energy
 - d) Because the joule output of the ECD is 300 times greater
15. While a violent subject is incapacitated by the affects of the TASER ECD and it is reasonably safe to do so, cover officer(s) should attempt to control/cuff the subject under power. Doing so may;
- a) Reduce the need for additional cycles
 - b) Reduce the likelihood the subject will roll during the cycle
 - c) Reduce the potential of injury to the officer(s) because the subject is incapacitated only during the cycle
 - ☒ d) All of the above
16. The probes are propelled from the TASER cartridge by:
- a) Primer propellant
 - b) Compressed Argon gas
 - ☒ c) Compressed Nitrogen
 - d) Compressed blended gas (proprietary secret blend)
17. The TASER X26 high peak arcing voltage of 50,000 volts only occurs when the arc is required to jump a gap such as between the electrodes on the end of the X26, or when a probe lodges in loose clothing and must jump the gap to the body. When traveling across the human body, the peak voltage drops to approximately;
- a) 20,000
 - b) 10,000
 - c) 5,000
 - ☒ d) 1,200
18. During TASER voluntary exposures which of the following are required safety rules?
- a) Always use two spotters when volunteer is standing
 - b) Spotters must hold volunteers under the armpit to avoid twisting their shoulder
 - c) The volunteer may be held up or carefully lowered to the ground
 - ☒ d) All of the above

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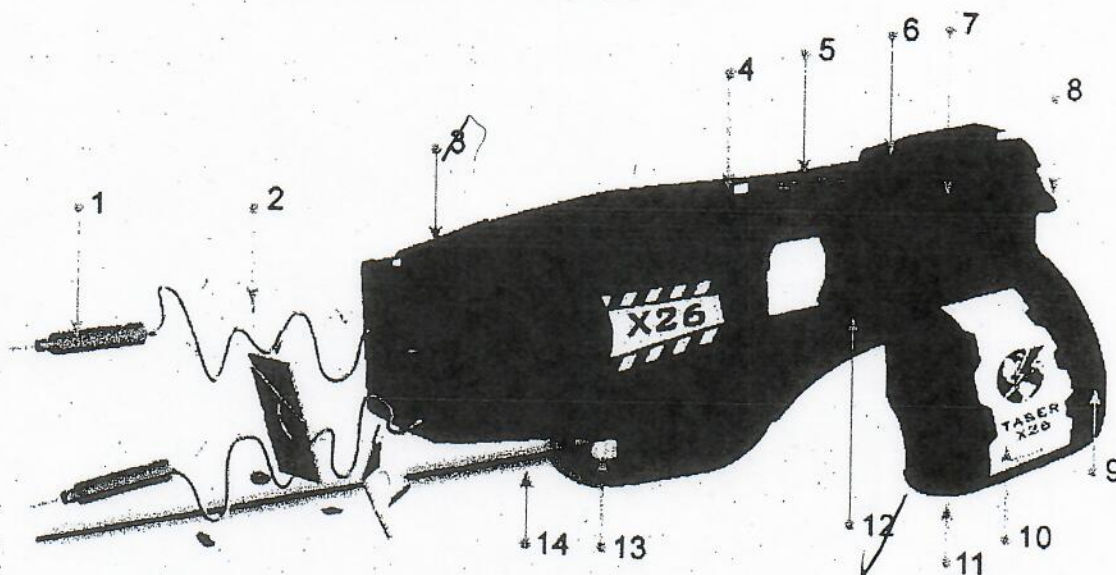
19. Why is a cartridge deployment, even to close range, more desirable than a drive stun?
- a) Both probes make contact for the full 5 seconds.
 - b) Less chance of multiple "signature marks" on the suspect.
 - c) NMI can be achieved if the a drive stun is applied over 4" from the darts
 - ☒ d) All of the above
20. The TASER X26 NMI Weapon affects the:
- a) Motor nervous system only
 - b) Sensory nervous system only
 - ☒ c) Sensory and motor nervous systems
 - d) Cardiac system
21. The "TASER-Wave" electronic signals of the TASER X26 are effective:
- a) Through up to two inches of clothing.
 - b) Through some types soft body armor.
 - c) Through lightweight clothing.
 - ☒ d) All of the above.
22. When using the TASER X26 with chemical sprays, the following must be considered
- ☒ a) Type of propellant and base of chemical or pepper spray (for flammability).
 - b) If the threat has been sprayed in the eyes.
 - c) Whether the chemical spray was O.C. or C.S.
 - d) All of the above.
23. The TASER X26 will store what information for each trigger pull?
- a) Time, Date, Cartridge Number
 - b) Time, Date, Duration, Body Temperature
 - c) Date, Duration, Body Temperature, Temperature
 - ☒ d) Time, Date, Duration, Battery Life, Temperature
24. The 21 foot standard cartridge has:
- a) Yellow blast doors
 - ☒ b) Silver blast doors
 - c) Green blast doors
 - d) Orange blast doors
 - e) Blue blast doors
25. When deploying probes, the TASER should generally be aimed at:
- a) Face
 - ☒ b) Center of body mass
 - c) The throat
 - d) The head

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TASER® X26 NOMENCLATURE
Identify the parts of the TASER X26



- | | |
|--------------------------------------|-----------|
| A. Trigger. | <u>12</u> |
| B. Digital Power Magazine (DPM) | <u>11</u> |
| C. TASER Cartridge | <u>3</u> |
| D. Mechanical Sight | <u>4</u> |
| E. Safety Switch | <u>7</u> |
| F. DPM Release Button | <u>9</u> |
| G. Stainless Steel Shock Plate | <u>10</u> |
| H. Built-in Laser (pointing to beam) | <u>14</u> |
| I. Central Information Display (CID) | <u>8</u> |
| J. Probes | <u>1</u> |
| K. Low Intensity Lights | <u>13</u> |
| L. Serial Number Plate | <u>5</u> |
| M. Illumination Selector Switch | <u>6</u> |
| N. AFID Tags | <u>2</u> |

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TRAINING REIMBURSEMENT REQUEST **POST AUTOMATED REIMBURSEMENT SYSTEM**

POST 2-273 (06/08) Page 1 of 2

This form must be completed by a participating reimbursable agency to request reimbursement for employee(s) attending a POST-certified course. A separate form must be completed for each course attended.
THIS FORM MUST BE PRESENTED TO THE COURSE COORDINATOR/INSTRUCTOR ON OR BEFORE THE FIRST DAY OF TRAINING.

A. AGENCY Bay Area Rapid Transit Police Department		C. COURSE CONTROL NUMBER
B. CERTIFIED COURSE TITLE Electronic Weapons (Taser X26)		D. COURSE PRESENTATION DATES START: 12/3/08 END: 12/

Fully complete this section - Click each note for details.

E.	NAME OF TRAINEE(S)			F. POST ID NUMBER (OR SSN)	G. TRAINEE STATUS					H. I.	J. TRANSPORTATION			K. ALLOWANCE REQUESTED			L.	M.	N.
	(LAST)	(FIRST)	(M.I.)		PEACE OFFICER	RECORDS SUPERVISOR	DISPATCHER	NON-PEACE OFFICER	RESIDENT TRAINEE		COMPUTER TRAINEE	DRIVER OF VEHICLE	PASSENGER IN VEHICLE	OTHER	SUBSISTENCE	COMMUTER LUNCH	TRAVEL		
1	Power	John	J																
2	Weissich	Nathan	C																
3	Guerra	Jonathan	M																
4	Vogan	Christopher	D																
5	Casaoonte	Alex	J																
6	Salvato	Nick																	
7	Simpley	Christopher																	
8	Quell	John																	
9	Bonifacio	Erick																	
10	Shean	Laurence																	
11	Bellizzi	Stouff																	
12	Mehserle	Johannes																	
13	Del Rosario	Edwin	M																
14																			
15																			
16																			
17																			

CONTROLLED DOCUMENT
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BAY POLICE DEPARTMENT
CONFIDENTIAL

I attest that I am a duly authorized official of the herein-named agency requesting reimbursement and to the best of my knowledge the information stated above is true and correct and in conformance with Commission Regulations. I also attest that each trainee for whom reimbursement is requested will attend the POST-certified course named above in an on-duty status of employment and that each trainee listed is a full-time paid employee of the herein-named agency. I also attest that back-fill cost will be incurred as noted in columns L & M. This agency will pay expenses for subsistence, commuter lunch, travel and tuition associated with the course, as requested for each trainee listed on this form.

O. SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL	P. PRINT NAME OF PERSON COMPLETING FORM	Q. CONTACT NUMBER ()	R. DATE
FOR POST USE ONLY			
COMMENT		AGENCY CONTACTED <input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT PAYABLE

BART POLICE DEPARTMENT
TASER TRAINING/POLICY
DISTRIBUTION LIST

Training Date: 12-3-08

Please distribute the attached TASER POLICY to each individual in your section. Have each individual initial and date below. When completed, return to Sgt. Gregson - LMA-C.

[illegible]

12-3-08

BART PD Taser training

Name	Badge Number
1) John Power	489
2) NATHAN WEISSICH	5-35
3) JONATHAN GUERRA	508
4) CHRISTOPHER VOGAN	541
5) ALEX CASADONTE	497
6) NICK SALVATO	410
7) CHRISTOPHER SHIPLEY	309
8) JOHN QUILL	#396
9) LAWRENCE STEAN	#388
10) JOHANNES MEHNERLE	#544
11) ELLIOTT, SZOVS	#352
12) BONIFACIO, ERICK	357
13) EDWIN DEL ROSARIO	477
14)	
15)	

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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BY SAP J-265
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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1-2-09 / 0900
1. CODE SECTION(S) PC 242, 148(a)(1)		2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting, Delaying, Obstructing Officer		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Detective Division Supplement:</p> <p>Evidence: One gunshot residue kit collected from Oscar Grant by Officer J. Vuong #486.</p> <p>On 1-2-08 about 0900 hours, BART Police Evidence Technician Officer J. Vuong #486 and I responded to the Alameda County Coroner's Office to attend the autopsy of suspect Grant. We met with the attending pathologist, Dr. R [REDACTED]</p> <p>Officer Vuong collected a gunshot residue (GSR) kit as a precaution from both hands of Grant in the event that Grant had discharged a firearm earlier in the evening.</p> <p>Officer Vuong photographed Grant. There were several cards attached to Grant's right large toe that had the name "Oscar Grant" on them. There was a round hole at the upper right chest, and a second round hole similar in size as the hole in the chest, that was approximately at the middle and to the left side of the spine on Grant's back.</p> <p>Officer Vuong and I left prior to the dissection of the body.</p> <p>I packaged the GSR kit and later booked it into evidence. The GSR kit will be forwarded to the Alameda County Crime Laboratory for testing.</p>				
<p style="color: red; font-weight: bold; font-size: 1.2em;">FEB 23 2019</p> <p style="color: red; font-weight: bold;">RELEASED TO: <u>SB1421</u></p> <p style="color: red; font-weight: bold;">BY SAP J-265</p> <p style="color: red; font-weight: bold;">BART POLICE DEPARTMENT</p> <p style="color: red; font-weight: bold;">CONFIDENTIAL</p>				
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420	DATE / TIME PREPARED 1-4-09 / 1210	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:		
				APPROVED BY: if S471-4-09

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-2-09 / 1240

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Division Supplement:

Evidence: One compact disc containing phone call interview with
C [REDACTED] P [REDACTED]

Witness:

P [REDACTED] C [REDACTED]
[REDACTED]

On 1-2-09 I was assigned by Sergeant Fueng via voice mail to contact
C [REDACTED] P [REDACTED] concerning the shooting at the Fruitvale BART station.
Sergeant Fueng advised that P [REDACTED] had called BART police and left his
information with Lieutenant Cagaanan.

I phoned P [REDACTED] and obtained his contact information. I had initially
planned to conduct a face-to-face interview, but the detective unit was
overwhelmed with incoming phone calls at the time.

At approximately 1240 hours, I phoned P [REDACTED] and conducted a telephone
interview. The interview was recorded and its approximate run time is 14
minutes and 34 seconds.

The following is a summary of the interview: P [REDACTED] was returning from
Civic Center station in San Francisco on a Dublin-Pleasanton bound train.
P [REDACTED] planned to off-board at Bayfair station to transfer trains. P [REDACTED]
believed his train car was about in the middle of the train. P [REDACTED] was
sitting towards the front of his train car. P [REDACTED] seating position was
ahead of the incident. P [REDACTED] was seated just inside and to the left in
the senior persons seating. P [REDACTED] back was to the train and train

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-4-09 / 1300

APPROVED BY:

AF S471-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

ALCO DA/ BART L21

☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input checked="" type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 1-2-09 / 1240	
1. CODE SECTION(S) PC 242, 148(a)(1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting/Delaying/Obstructing Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000	
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<p>platform. P[REDACTED] made his observations while looking left and out the window of the train. P[REDACTED] estimated there were 100 passengers in his train car.</p> <p>When the train pulled into the Fruitvale station, there were 4-5 police officers waiting to pull people off the train. Numerous passengers at the back of P[REDACTED] train car said that officers had Tasers. P[REDACTED] did not see any of the officers who were detaining the guys at the wall with a Taser in hand. P[REDACTED] did not see any of the officers on the platform with a Taser in hand. There was a lot of commotion concerning the Tasers. The platform was dark but P[REDACTED] was able to observe what was occurring on the platform.</p> <p>Officers pulled 4-5 guys off the train and had them against the wall. 2-3 of the guys appeared "tied up" because their hands were behind their backs. One guy was away from the wall. It was a very vocal scene with loud commotion. The guys against the wall were yelling but P[REDACTED] could not tell if they were yelling at each other or at the officers. The officers were trying to keep order. The officers were talking over the guys and directing them to sit down and stay calm, "that sort of thing. Standard protocol." The officers were forcibly trying to get the guys to sit down.</p> <p>One of the guys, who P[REDACTED] identified as Grant because he learned of the name through the media, was pulled away from the wall and placed face down on the ground. P[REDACTED] did not notice whether Grant was handcuffed. "For all intents and purposes, officers were in control of him." P[REDACTED] saw the involved officer (Mehserle), who was standing, pull his handgun out with his right hand. P[REDACTED] found this awkward because he had seen BART officers previously having Taser guns on them. The officer had the handgun pointed at Grant's back area. There were other officers present,</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-4-09 / 1300	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AF 547 1-7-09	
COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA/ BART I21 <input type="checkbox"/> FAXED TO:					

- ☐ PROPERTY / EVIDENCE / PHOTO
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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-2-09 / 1240

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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but P [REDACTED] could recall their placement or role in relation to handling Grant. P [REDACTED] could not hear or tell if the officer was saying anything to Grant because the scene was loud. P [REDACTED] turned his head for a split second and heard a "pop." P [REDACTED] was in shock because he was hoping the pop was a "rubber bullet or whatnot." A passenger at the back of his train car stated something similar to, "Oh my god. They shot the guy." The officer who pulled the trigger was in shock. The officer had a look on his face similar to, "Oh my god I can't believe this happened." "Like the deer in headlights look." "Oh my god." The officer looked in shock.

Another officer, who appeared to be on the platform at the time of the shooting, escorted the involved officer away.

There was a lot of commotion on the train. Passengers were wondering whether the shot had been a rubber bullet. It appeared that officers were calling for medical attention. P [REDACTED] was expecting the train to be stopped so passengers could be questioned. The train then departed.

I left P [REDACTED] my contact information for future reference.

I transferred the digital voice recording onto a compact disc (CD). I produced three copies of the CD for distribution the Alameda County District Attorney's Office, BART police internal affairs, and the BART police detective unit investigation file.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-4-09 / 1300

APPROVED BY:

AF 847 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: ALCO DA/ BART L21☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-2-09 / 1306

1. CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Division Supplement:

Evidence: One compact disc containing phone call interview with A [REDACTED]
R [REDACTED]

Witness:

R [REDACTED], A [REDACTED]

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421

On 1-2-09 about 1306 hours, I received a phone call from A [REDACTED] R [REDACTED] concerning the Fruitvale BART station shooting. The following is a summary of the phone call, which was recorded. The length of the call was approximately 28 minutes 57 seconds.

Rogers and her boyfriend, Z [REDACTED] C [REDACTED] were on a Dublin-Pleasanton train returning from Civic Center station in San Francisco. R [REDACTED] was in the 2nd or 3rd car back from the front of the train. R [REDACTED] was sitting towards the front of her car. R [REDACTED] was seated in the first pair of seats to the right - platform side - from the doorway just beyond the bicycle/wheelchair parking area. R [REDACTED] was facing the back of the car next to the window. C [REDACTED] was in the aisle seat next to R [REDACTED]. R [REDACTED] observed the activity on the platform while looking to her left out the window. During the activity, R [REDACTED] remained in her seat - instead of moving to the doorway - because she thought people on the train were going to riot.

At some point prior to Fruitvale station, five guys (later referred to as suspects) walked through R [REDACTED] car and into the car in front of hers. The suspects were creating a fuss and saying, "Who brought that stinky

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-4-09 1200

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AF 847 1-7-09

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ALCO DA/BART PD L2

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1. CODE SECTION(S) PC 242, 148(a)(1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting/Delaying/Obstructing Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>burrito on this train?" "Some burrito smells like shit." "Smells bad." The guys were being rambunctious and were probably drunk.</p> <p>The train stopped at the Fruitvale BART station and the doors opened. R ██████ heard BART police shouting in the car in front of hers. An officer was saying, "Get off this train. Don't make me come in there and get you." Two suspects came into her car. Passengers were telling the two suspects in her car to get off the train because they were holding it up. An officer had to come into her car because the suspect refused to off-board. The officer grabbed the suspect by the scruff of his neck and removed him.</p> <p>R ██████ saw three suspects on the platform. R ██████ assumed the three suspects had come from the car in front of hers because of the yelling by the officer moments earlier. R ██████ recognized the three suspects as the same persons who had walked through her car moments earlier being loud.</p> <p>R ██████ saw three officers: a woman officer (Officer Domenici), a large Marine-looking officer with a crew cut (Officer Pirone), and an officer who was bigger, younger, taller, and had a longer baby-face (Officer Mehserle). The suspects were against the wall and not handcuffed. One of the suspects started to walk away, but Officer Pirone went after him and brought him back. The suspects were being loud with officers. The suspects were not fighting officers as in punching them, but they were definitely not obeying instruction. The officers were telling the suspects to stop resisting. The suspects were claiming police brutality and telling the officers, "You can't do this." "You're hurting me." "I'm gonna sue your ass."</p> <p>Grant was initially standing, then he went down to a crouch position</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-4-09 1200	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA/BART PD L2 <input type="checkbox"/> FAXED TO:			

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				DATE / TIME OF SUPPLEMENT 1-2-09 / 1306
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		
PC 242, 148(a) (1)		Battery, Resisting/Delaying/Obstructing Officer		
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Pirone, Anthony		800 Madison Street, Oakland 94607		510-464-7000
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<p>against the wall. Grant pulled his cell phone or something else out of his pocket.</p> <p>Officer Mehserle obstructed R [REDACTED] view. Officer Pirone kneed Grant in the face - with Grant's head bouncing off the wall - then throw Grant onto the ground face first. Officer Pirone was kneeling on Grant's shoulder blade or neck. Officer Pirone appeared to be trying to handcuff Grant. Grant was struggling at this time. It appeared Officer Mehserle was trying to handcuff Grant.</p> <p>Officer Mehserle was standing on one side of Grant. It appeared that Officer Mehserle had one of his feet on the back of Grant's leg, as he was trying to hold Grant down. Either the officers with Grant or someone on the train said, "We're going to Tase you." Passengers on the train were saying things similar to, "They're going to get Tased." R [REDACTED] looked away for a split instant and then saw Officer Mehserle with a gun in his hand. R [REDACTED] did not see Officer Mehserle draw his gun from its holster. R [REDACTED] thought Officer Mehserle's "gun" was a Taser because of the comments, "We're going to Tase you" and "They're going to get Tased." R [REDACTED] was looking at the object in Officer Mehserle's hand. R [REDACTED] saw the "gun" go off and saw a poof of smoke. At that time R [REDACTED] realized Officer Mehserle was holding a gun - not a Taser. Officer Pirone was still kneeling on Grant. R [REDACTED] was surprised Officer Pirone did not get shot.</p> <p>R [REDACTED] did not see Tasers in any of the other officers' hands. R [REDACTED] was hoping that the suspects would get Tased because they were being so rough with officers.</p> <p>Grant went limp for a little bit. Grant rolled onto one shoulder and</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
M. Maes 420		420	1-4-09 1200	
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1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
PC 242, 148(a)(1)		Battery, Resisting/Delaying/Obstructing Officer			
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Pirone, Anthony		800 Madison Street, Oakland 94607		510-464-7000	
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<p>looked up. Grant returned to his stomach and started to crawl away. Grant then went limp again.</p> <p>Officer Mehserle put his hands up to forehead and he appeared in shock. R█████ did not see Officer Mehserle put his gun away. R█████ read Officer Mehserle's lips which appeared to say, "Oh my god. Oh my god."</p> <p>Officer Pirone directed Officer Mehserle to leave. It appeared Officer Mehserle left with Officer Domenici. It appeared Officer Pirone was the person in charge.</p> <p>A second suspect said, "Oh my god. You shot him. You shot him. You shot my friend. Oh my god. You shot my friend."</p> <p>About 45 seconds later, the train doors closed. Grant appeared detained on the ground but R█████ could not tell if he was handcuffed.</p> <p>The train departed. No emergency personnel was on scene. None of the officers were giving aid to Grant.</p> <p>There was a kid standing on R█████ seat videotaping the incident on his cell phone. This person got off at the Dublin-Pleasanton station with R█████ but R█████ did not know him. There were more people in the doorway videotaping and taking pictures with their phones, but R█████ did not know any of them. None of the passengers in R█████ car were getting off the train. The passengers were getting loud and R█████ thought they were going to riot.</p> <p>R█████ said she was opting on the officer's side because in her opinion the shooting really looked like a total accident. The expression on</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
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DISPOSITION:		COPIES TO:			
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POLICE REPORTBART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-2-09 / 1306

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

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5. PHONE

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Officer Mehserle's face was as if, "Oh my god I can't believe that just happened." The suspects were defiant with officers and at the same time, the officers - Officer Pirone specifically - was a little rough with the suspects. R [REDACTED] understands the officers' behavior given that they work in Oakland and Oakland is dangerous.

R [REDACTED] was sober as she did not have anything to drink prior to the witnessing the shooting.

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-4-09 1200

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input checked="" type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin:0;">POLICE REPORT</h1> <p style="margin:0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 1-4-09 / 0641	
1. CODE SECTION(S) PC 242, 148(a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting, Delaying, Obstructing Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>Detective Division Supplement:</p> <p>Persons in Attendance:</p> <p>BART PD:</p> <p>Lieutenant F. Lucarelli L21 Lieutenant A. Alkire L13 Sergeant A. Fueng S47 Officer T. Pirone 514 Detective T. Smith 374 Detective M. Maes 420 Detective J. Enriquez 456 Detective A. McNack 460 Attorney Daniel McNamara</p> <div style="text-align: right; color: red; font-weight: bold; margin-top: 20px;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
<p>On 1-4-09 about 0641 hours, the above listed persons met at the Fruitvale BART station for the purpose of conducting a voluntary walk-thru of the shooting scene with Officer Pirone. Pirone's attorney, Daniel McNamara, requested that the walk-thru not be video or audio taped.</p>					
<p>The following is a summary of the events that occurred as provided by Officer Pirone: Pirone was downstairs in the free area with Officer Domenici handling an unrelated arrest. Pirone responded alone up the stairs to platform 1 on a report of a fight in the lead car involving five African males. Pirone's officer safety was heightened due to two previous incidences involving guns that happened on BART earlier in the evening.</p>					
<p>Pirone arrived and began walking towards the front of the train. Pirone had deployed his Taser and had it in the fire (safety off) position with the laser light displayed. Pirone saw five African males congregating on</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-4-09 1330	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:			

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1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
PC 242, 148(a) (1)		Battery/ Resisting, Delaying, Obstructing Officer			
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Pirone, Anthony		800 Madison Street, Oakland 94607		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>the platform next to the lead car. This area is near the fire hose box mounted on the platform. A short black female, wearing a red and black jacket, was with the same group of males. The female was pointing her finger up at one of the males who was taller than she was. The female left the group but Pirone did not see where she went. The five males then walked towards Pirone. Some of the males had their hands in their pockets. When the males reached the area between the second and third train cars and saw Pirone approaching, two of the males split from the group and boarded the train. Pirone contacted the other three males on the platform and directed them to the wall to his right. One of the males tried to walk around Pirone, so Pirone placed his hand on his chest and directed him toward the wall. At this point, all three males were against the wall.</p>					
<div style="color: red; font-weight: bold; transform: rotate(-5deg);"> FEB 23 2019 RELEASED TO: SB1421 BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
<p>Officer Domenici arrived and Pirone directed her to stay with the three males at the wall.</p>					
<p>Pirone went to the second car to retrieve the two males. One male, Pirone identified as Grant, left the second car and pushed his way through the crowd into the third car. The cars were very crowded. Pirone went to the third car and located Grant in the crowd. Pirone pointed his Taser at Grant through the window and ordered him off the train. Grant stayed where he was. Pirone went to the door and told Grant to off-board. Grant walked to Pirone's location and Pirone escorted him to the wall where the other three males were being detained. Pirone then went to the second car and stood at the doorway. Pirone gave orders to the fifth male (G█████ to exit but G█████ did not comply. Pirone entered the car and went left and contacted G█████. Pirone forcibly removed G█████ and began to escort him to the wall. G█████ then faced Pirone and took a combative stance. Pirone took G█████ to the ground and handcuffed him.</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
M. Maes 420		420		1-4-09 1330	
DISPOSITION:		COPIES TO:			
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POLICE REPORT

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☐ NARRATIVE CONTINUATION
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BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-4-09 / 0641

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting, Delaying, Obstructing Officer

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At this time, the males were very loud and were cursing at Pirone. Pirone heard something similar to, "Pigs! You ain't shit!" Pirone did not know if the comment came from the detainees or a crowd that had formed on the platform.

A third unknown officer arrived at this point. Pirone went to the train operator to inquire if he had detained the persons in the fight. The train operator said the males he had detained were the ones involved in the fight.

As Pirone returned from the train operator, he walked towards the detainees. Pirone pointed at the direction of Grant and the male (J [REDACTED]) who was seated to Grant's left and told the other officers on scene, "These guys are going for 148." Pirone and Grant got into a verbal exchange. Grant refused to sit down which Pirone did not believe was an unreasonable request. Grant was cursing and saying things like, "Fake ass cops! Bitch! Pigs!" Grant was not obeying Pirone's instructions.

Pirone went to arrest Grant who was standing. Pirone forced Grant to a squatting or kneeling position. Grant never sat down.

Officer Guerra arrived and took control of a detainee.

During the walk-thru, Detective T. Smith laid down on the platform. Pirone positioned T. Smith in the same manner that Grant was positioned during the struggle. This location was near the train schedule board. Pirone positioned himself over T. Smith's head looking in the direction of the Lake Merritt Station. Pirone moved at some point to the other side of Grant's head during the struggle. Pirone was facing south at the end of

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Pirone, Anthony		800 Madison Street, Oakland 94607		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>the struggle. Pirone was surprised that he could not keep Grant down based on his own body and uniform weight of about 250 pounds.</p> <p>At that point, Grant was taken to the ground by Mehserle and Pirone. Pirone was trying to hold Grant down. Pirone felt Grant resist and start to come back up. Mehserle told Grant 2-3 times to put his hands behind his back. Grant did not respond to the commands. During the struggle, Mehserle told Pirone, "I'm going to Tase him." Pirone then heard Mehserle say, "I can't get his hands." During the struggle, Pirone did not see a Taser light on Grant. Pirone was surprised that Mehserle could not restrain Grant, given that Mehserle is heavier than Pirone. Pirone was in fear because Mehserle could not get control of Grant's hands. Mehserle told Pirone, "He's going for his waist. Tony, get back! Get back!" Pirone did not know if Grant was armed. Mehserle had fear in his voice. Pirone had never heard Mehserle's voice with that tone. Mehserle sounded afraid.</p> <p>Pirone stood up and a shot was fired. Pirone said, "Oh shit." Pirone looked at Mehserle. Mehserle had a frozen look on his face similar to, "fear" "shock" "holy shit." Mehserle was holding his gun with a two handed grip. Mehserle put his gun away.</p> <p>Pirone did not know when or who handcuffed Grant. Pirone looked at Grant and noticed he was handcuffed. Grant rolled onto his right shoulder. Grant may have said to Mehserle, "You shot me." Pirone saw a shinny object about the size of a half-dollar in the chest area of Grant's shirt. Pirone recognized this object to be a bullet. Pirone searched Grant for weapons and none were found.</p> <p>Pirone requested code 3 medical for a shooting victim. Pirone removed the</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
M. Maes 420		420		1-4-09 1330	
DISPOSITION:		COPIES TO:			
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1. CODE SECTION(S) PC 242, 148(a)(1)		2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting, Delaying, Obstructing Officer		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>handcuffs on Grant. Grant was coherent but blood was coming out of his mouth.</p> <p>After the shooting, Pirone was standing away from the shooting location. Mehserle approached Pirone and said, "Tony, I thought he was going for a gun."</p> <p>Pirone saw a cameraman and ordered the other officers to remove him from the crime scene. Pirone told the cameraman, "This is a fucking crime scene. Get that fucking camera out of here."</p> <p>Pirone was not wearing flex cuffs. Pirone said none of the BART officers, as far as he knew, had flex cuffs.</p> <p>Pirone said there were so many people on the platform that he could not see the platform. Pirone could not hear his radio and did not know if anyone else had requested more officers.</p>				
<div style="color: red; font-weight: bold; transform: rotate(-5deg);"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </div> <div style="color: red; font-weight: bold; margin-top: 10px;"> FEB 23 2019 </div> <div style="color: red; font-weight: bold; margin-top: 10px;"> RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>				
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420	DATE / TIME PREPARED 1-4-09 1330	APPROVED BY:
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:		

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1. CODE SECTION(S) PC 242, 148(a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resist/Delay/Obstruct Officer		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Detective Division Supplement:</p> <p>Evidence: One compact disc containing follow up interviews with Officer Knudtson on 1-5-09. Four photographs of Fruitvale station platform 1 shown to Officer Knudtson.</p> <p>On 1-5-09 about 1421 hours, Detective McNack #460 and I met with Officer Knudtson for a follow up interview. The interview was audio recorded. The approximate length of the interview was 34 minutes 4 seconds.</p> <p>The following is a summary of the interview: Officer Knudtson was assigned to call sign 1B14 which he described as the cover officer for the entire Oakland area and Zone 1 patrol. Officer Knudtson was doubled with Officer Noel Flores 552. Officer Knudtson was wearing his full police uniform, including his jacket. Officer Knudtson was driving. Officer Knudtson responded to the Fruitvale station from the Oakland West station, after handling a gun-related call.</p> <p>During his response to the Fruitvale station, Officer Knudtson could not recall whether there was any radio traffic being broadcast from any of the officers at the scene, but someone had broadcast that there was a struggle. Officer Knudtson remembered Officers Mehserle and Woffinden had broadcast their arrival at the station, so he assumed they had arrived before him.</p> <p>Officer Knudtson believed he parked between the BART station and Powder Face cafe. Officer Knudtson exited his patrol car and proceeded up the north (Lake Merritt) side escalator. Officer Knudtson did not have any of his weapons (handgun, Taser, baton, OC) out. Officer Knudtson did not see any activity towards the rear of the train other than people peeking out</p>				
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-10-09 / 1045
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS47 1-11-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:		

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1. CODE SECTION(S) PC 242, 148(a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resist/Delay/Obstruct Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>of the train to see what was going on. Officer Knudtson looked to his right and saw a commotion towards the front of the train.</p> <p>Officer Knudtson approached a chaotic mess and saw several officers who were giving commands. Passengers were yelling. The noise was amplified. 1-2 officers had their Tasers out. Officer Domenici might have had her Taser out. There were people on the platform who were wearing gray shirts and black shirts. The people were approaching the officers and walking back, but not listening to the officers' commands. The people were yelling, challenging, and taunting the officers, as if they were looking for a fight.</p> <p>Officer Knudtson recalled seeing Officers Pirone and Domenici, who were about 20-25 feet away, in a diagonal direction, and behind a pillar. Officer Knudtson did not see the interaction between Officers Pirone and Domenici and the group they had detained. There were more officers but Officer Knudtson could not recall who was present.</p> <p>Officer Knudtson focused on one subject, who had braids and was wearing a gray pea coat. Officer Knudtson later identified this male as F [REDACTED]. A [REDACTED] was involving himself in a way that he was interfering with Officers Pirone and Domenici who were detaining another group. A [REDACTED] was about 4-5 feet from Officer Pirone. Because of his close proximity to Officer Pirone, A [REDACTED] appeared to be with the group Officer Pirone had detained. A [REDACTED] had his hands at his waist and his fists were clinched. At one point, A [REDACTED] began back pedaling and Officer Knudtson could not see his hands because A [REDACTED] back was to him.</p> <p>Other officers (possibly Woffinden) were between A [REDACTED] and Officers Pirone and Domenici. Based on A [REDACTED] behavior, it appeared he was not</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-10-09 / 1045	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:			

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1. CODE SECTION(S) PC 242, 148(a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resist/Delay/Obstruct Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland		5. PHONE 510-464-7000	
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<p>listening to officers who were helping Officers Pirone and Domenici. Officer Knudtson did not feel safe with the way A [REDACTED] was acting. Officer Knudtson did not remember anything that was occurring between Officers Pirone and Domenici and the group they were detained because he (Officer Knudtson) was focused on his group.</p> <p>Officer Knudtson grabbed A [REDACTED] and immediately pulled him to the ground. Officer Knudtson went to the ground as well. Officer Knudtson handcuffed A [REDACTED]</p> <p>While checking the handcuffs on A [REDACTED], Officer Knudtson heard what sounded like a fire cracker. Officer Knudtson thought the sound might have been fireworks. Officer Knudtson did not hear any of the officers on the platform say anything. About the same time, passengers came off the train and a cell phone hit the ground to his right and broke into pieces.</p> <p>Officer Knudtson secured A [REDACTED] and moved him to the wall. R [REDACTED] was being told to sit down, possibly by Officer Woffinden. A second male (R [REDACTED]) tried to walk away from a group of officers and refused to sit down. Officer Knudtson believed Officer Woffinden told R [REDACTED] to sit down. Officers Knudtson and Woffinden detained R [REDACTED]. R [REDACTED] was handcuffed by Officer Woffinden.</p> <p>Officer Knudtson saw Officer Guerra applying a medical dressing to the back of Grant. Officer Knudtson assumed based on Officer Guerra attending to Grant that there had been a shooting and that it involved an officer.</p> <p>Officer Guerra told Officer Knudtson to get medical, so Officer Knudtson went downstairs to wait. The fire department arrived before the ambulance. Officer Knudtson told the fire department that there was a</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1-10-09 / 1045	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS47 1-11-09	
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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-5-09 / 1421

1. CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resist/Delay/Obstruct Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

gunshot wound victim on the platform.

About 4-5 minutes after the shooting, Officer Knudtson saw Officer Mehserle on the platform. Officer Mehserle had a look on his face like as if to say, "What's going on." Officers Knudtson and Mehserle did not say anything to each other. Officer Knudtson never saw Officer Mehserle with his gun out.

A [REDACTED] and R [REDACTED] were moved downstairs by an unknown Oakland PD officer. Once Officer Knudtson relocated downstairs. Officer Knudtson noticed that A [REDACTED] and R [REDACTED] had red and watery eyes, and an odor of alcohol on their persons. A [REDACTED] and R [REDACTED] told Officer Knudtson they had come from a party in San Francisco. Both declined medical attention at the scene. A [REDACTED] and R [REDACTED] later apologized to Officer Knudtson about their actions. R [REDACTED] was anxious to go home and see his son.

Officer Knudtson was not familiar with A [REDACTED] R [REDACTED] or Grant.

After concluding the interview, I went back on tape to ask Officer Knudtson an additional question, and to show him four photographs of the Fruitvale station platform 1. I wanted Officer Knudtson to indicate his, A [REDACTED] and R [REDACTED] relative location on the platform when Officer Knudtson first arrived, and when Officer Knudtson took A [REDACTED] into custody. The approximate length of the follow up was 10 minutes 41 seconds.

I copied the two audio recordings onto a compact disc to be placed into evidence as item MMAES-007. I submitted the four photographs as evidence item MMAES-008.

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-10-09 / 1045

APPROVED BY:

AJS47 1-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER:

ALCO DA / BART L21

☐ FAXED TO:

Arrest <input type="checkbox"/> Crime <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/>	BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Evidence Supplemental	CASE # 0901-0027 PAGE 1 OF 1
OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 242 PC; Battery; Misd.		OFFENSE(S) cont'd.
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02
LOCATION OF OCCURENCE 3401 East 12th St, Oakland - 01 - - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION BEAT SECTOR
CASE SUMMARY Detective Supplement.		
NARRATIVE <p>Detective Division Supplement:</p> <p>On 1-6-09 1629 hours, I phoned BART police property clerk Vandy Sap and requested item CSHIPLE-009 (Officer Mehserle's handgun). The purpose for the request was for detective follow up at the request of the Alameda County District Attorney's Office. The District Attorney's Office also requested additional information regarding Officer Mehserle's BART police Taser training records.</p> <p>I obtained a video of Officer Mehserle being Tased during a voluntary exposure on his training day 12-3-08, which I was present. I transferred the video to a compact disc, which is listed as item MMAES-005. I located two classroom training documents: One is an Electronic Weapons Operator Course Hourly Schedule. The schedule is used as a guide for the 6-hour course; the second document is an Electronic Weapons Operator Course Expanded Outline, which is per the California Commission on Peace Officer Standards & Training (POST). I obtained a Bay Area Rapid Transit Police Department Policy Manual 309 - Electronic Control Device - Taser. I attached the documents to this case.</p> <p>On 1-8-09 I photographed evidence items CSHIPLE-009, MMAES-001 (Officer Mehserle's yellow Taser with its Taser holster and Taser cartridges), and the Detective Division assigned Taser with its Taser holster and Taser cartridges. The purpose for photographing the three items was weapon comparison.</p> <p>I took 70 photographs of CSHIPLE-009, MMAES-001, and the Detective Division Taser and its holster and cartridges. I copied the photographs to a compact disc, which will be submitted as evidence item MMAES-006.</p>		
ADMINISTRATION		
FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VVAP <input type="checkbox"/> OTHER	
BY OFFICER M. Maes 57403	DATE/TIME 01/10/2009 11:49	APPROVED BY Alan Fueng 56615
OFFICER	UNIT/SHIFT	DATE APPROVED 01/10/09
		CASE STATUS Active

Bay Area Rapid Transit Police Department Policy Manual
Policy 309 - ELECTRONIC CONTROL DEVICE - TASER

2008/06/11

[1]

(2008/02/27)

Change
Policy
Title

Revert
Policy
Title

309.1 PURPOSE AND SCOPE

When properly applied in accordance with this policy, an Electronic Control Device (ECD) is considered a non-deadly control device which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

309.2 POLICY

The only ECD authorized by this department is the TASER®X26. It shall be referred to as TASER in this policy.

Sworn officers who have completed department-approved training may carry a TASER for use during their current assignment. Officers may purchase their own departmentally-approved TASERX26. It must be inspected by a department TASER armorer or instructor and meet with departmental standards. The inspecting armorer or instructor will document the TASER approval in a memo which will be placed in the officers personnel file. The device may be carried either as a part of a plainclothes or uniformed officer's equipment in an approved holster or secured in the driver's compartment of the officer's vehicle so that it is readily accessible at all times.

Uniformed or plainclothes officers may carry the Taser on the side opposite from the duty weapon. They may also carry the TASER on their duty weapon side only if drawing it across the body with the support hand. Drop leg holsters on the opposite side of the duty weapon may also be used. Officers must supply their own drop down or belt holster if choosing not to

Chapter
Listing

Policy
Listing

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use a department issued holster. The TASER should only be carried in the manner which the officer has been departmentally trained such as utilizing a strong hand draw or cross body draw.

All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device. No TASER shall be altered from the original factory specifications and markings.

Whenever practicable, officers should carry a total of two or more TASER cartridges on their person at all times while carrying a TASER. While on-duty officers carrying a department issued TASER or their own TASER shall only use cartridges that have been issued by the department.

Officers shall be responsible for ensuring that their issued or purchased TASER is properly maintained and in good working order at all times. Officers shall report, via a memo, any malfunctions to the department's TASER armorer or instructor as soon as possible.

The TASER should only be carried in a way which the officer has been trained such as utilizing a cross draw or strong hand draw.

Officers should never hold both a firearm and the TASER at the same time unless lethal force is justified.

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DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

309.3 VERBAL AND VISUAL WARNINGS

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER shall precede the application of a TASER in order to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other officers and individuals with warning that a TASER may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the circumstances, the officer may, but is not required to display the laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

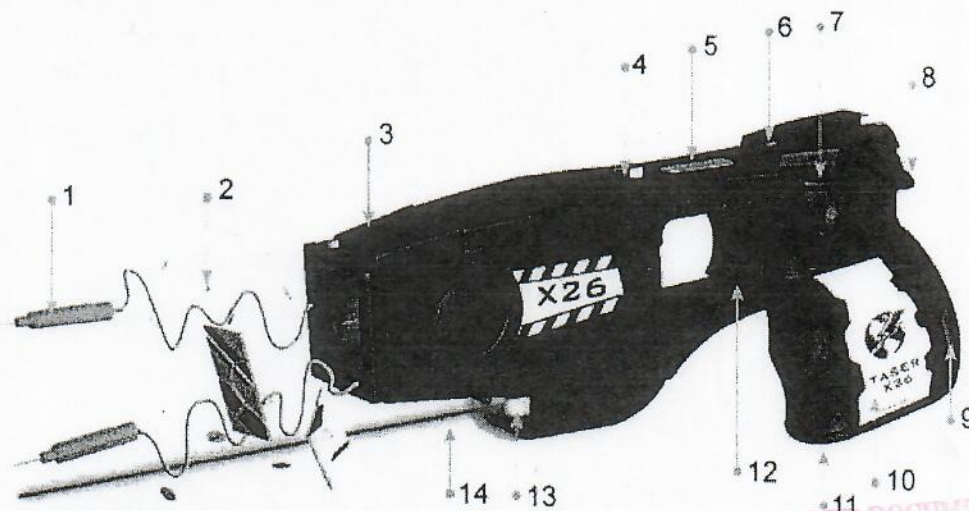
The fact that a verbal and/or other warning was given or reasons it was not

given shall be documented in any related reports.

309.4 USE OF THE TASER

As with any law-enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. The TASER should not be intentionally targeted at the subject's head, neck or groin area unless the situation dictates a higher level risk of injury is justified. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER when circumstances known to the individual officer at the



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indicate that the application of the TASER is reasonable to subdue or control: time

- a. A violent or physically resisting subject, or
- b. A potentially violent or physically resisting subject if:
 1. The subject has verbally or physically demonstrated an intention to

- resist; and
- 2. The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply; and
- 3. Other available options reasonably appear ineffective or would present a greater danger to the officer or subject.
- 4. To disable a vicious animal that appears to present a danger to the officer or the public.
- c. Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:
 - 1. Pregnant females.
 - 2. Elderly individuals or obvious juveniles.
 - 3. Individuals who are handcuffed or otherwise restrained.
 - 4. Individuals who have been recently sprayed with alcohol-based pepper spray or who are otherwise in close proximity to any combustible material.
 - 5. Passively resisting subjects.
 - 6. Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).
 - 7. On a fleeing suspect where flight is the sole justification for deploying the TASER. The severity of the offense and the totality of the situation should be considered before using the TASER on a fleeing suspect.
- d. Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of excited delirium (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER until they can be examined by paramedics or other medical personnel.
- e. Because the application of the TASER in the drive stun mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The TASER shall not be used to torture, psychologically torment or inflict undue pain on any individual.

309.4.1 MULTIPLE APPLICATIONS OF THE DEVICE

If, after a single application of the TASER, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the TASER is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, should not preclude any officer from multiple, reasonable applications of the TASER on

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an individual. No more than three confirmed applications should be administered on the same individual.

309.4.2 REPORT OF USE

All verbal references of the TASER and/or removal from the holster, regardless of where the TASER is held or pointed, in order to gain compliance by a subject, shall be documented in a crime report. All discharges, other than accidental or during approved training, shall be documented in the related crime report. Accidental discharges of a TASER cartridge shall be documented in a memo to the commander of the bureau via the chain of command. Any report or memo documenting the discharge of a TASER cartridge will include the cartridge's serial number and an explanation of the circumstances surrounding the discharge. Photographs of the injuries associated with the arrest and the area of the TASER probe contact points should be taken and submitted as evidence.

The on-board TASER memory will be downloaded through the dataport, and saved with the related crime report.

309.43 ~~TASER CAM™~~

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FEB 23 2019

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309.5 MEDICAL TREATMENT

Once the scene is secured, the principal objective after a TASER application is to provide medical attention to the suspect. Officers should secure the subject to minimize the threat of injury to either the officer or the subject. Officers should use caution that any restraint device or technique used does not impair the breathing of the subject.

Depending on the situation, a sergeant may approve the immediate transport of a subject, via a patrol vehicle, to a hospital for medical clearance. Officers may also request medical personnel respond to the scene and render first aid to the subject. Hospital personnel should remove the probes and medically clear the subject for booking into a detention facility.

Individuals who have been subjected to the electric discharge of a TASER and/or struck by TASER darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as

practicable. Any person who has been subjected to the electric discharge of a TASER and/or struck by TASER darts shall be medically cleared prior to booking. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

Persons who exhibit extreme agitation, violent irrational behavior, which may be accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain or who require a protracted physical encounter with multiple officers to bring under control may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

Only sworn personnel shall take custody of the probes. The probes shall be considered a sharp biological hazard and therefore removed only when wearing rubber gloves. The probes shall be stored in the used TASER air cartridge. The wires of the spent air cartridge should be left loose and packaged into a paper evidence bag. Some identification afids should then be placed into the same bag, booked as evidence and listed in the police report.

Digital photographs shall be taken of all injuries and the area of the probe contact points. All photographs shall be booked as evidence.

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309.6 TRAINING

In addition to the initial department approved training required to carry and use a TASER, any officers who have not carried a TASER as a part of their assignment for a period of one year or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Personnel and Training commander.

309.7 TASER® X26 NOMENCLATURE

1. Probes AFID Tags - 2

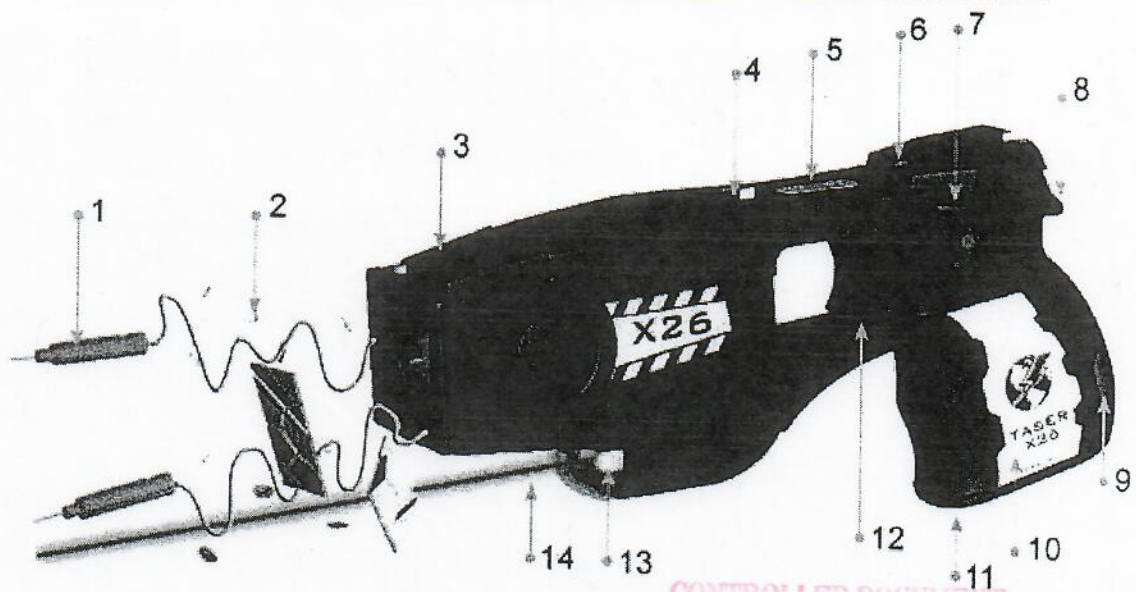
TASER Cartridge - 3 Mechanical Sight - 4

Serial Number Plate - 5 Illumination Selector Switch - 6
Safety Switch - 7
Central Information Display (CID) - 8
DPM Release Button - 9
Stainless Steel Shock Plate - 10
Digital Power Magazine (DPM) - 11
Trigger - 12
Low Intensity Lights (LIL) - 13
Built-in Laser (pointing to beam) - 14

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Electronic Weapons Operator Course Expanded Outline

I. Introduction/Registration

A. Registration

1. Departmental Paperwork
2. POST roster
3. Liability waiver

B. Safety Guidelines

1. Equipment
2. First aid
3. Location of nearest hospital
4. Communication devices in the classroom

C. Introduction

1. Instructors
2. Students
3. Course overview
4. Facility
5. Safety guidelines

II. History

A. Definitions

1. Utilize Electronic Control Device (ECD) Training DVD provided by TASER International
 - a. Handheld devices
 - b. Projectile devices
 - c. Holsters/Carrying

B. Origins of Electronic Weapons

1. Primer-driven weapons (1973)
2. Firearm (BATF classification)
3. Non-firearm TASER (1994)
4. Advanced TASER (1999)

C. Electronic Incapacitation vs. Pain Compliance Devices

1. Pain compliance/Stun
 - a. Affects sensory nervous system
 - b. Affects communication from the muscles to the brain
2. Electronic incapacitation
 - a. Affects both sensory and motors nervous systems
 - b. Affects communication from the brain to the muscles

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III. Exposures

A. Individual Exposures

1. Recommended
2. Not Required

B. Group Exposure

1. Recommended
2. Not Required

C. Safety Procedures

1. Environmental precautions
2. Proper spotters for exposure
3. Post-exposure care
4. Safety equipment

IV. Department Electronic Weapon TASER X26(Electronic Weapons and Nomenclature)

A. Nomenclature

1. Manufacture specifications and safety guidelines
2. Weapons specifications
3. Holster specifications
4. Cartridge specifications
5. Battery specifications

B. Pros and Cons

1. Never 100%
2. Reduce injuries to subjects and officers
3. Accessibility
4. Comparison with other force options
5. Environmental restrictions
6. Compatibility with other force options

C. Electrical Safety

1. Volts vs. Amps
 - a. It's the amps that are dangerous
2. No known effect on pacemaker

V. Legal/Ethical Considerations

A. Statutory and Case Law

1. Federal statutes
2. State statutes
3. Civil law considerations
4. Relevant case law
 - a. Graham vs. Connor

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- b. Hinton v. City of Elwood
- c. Alford et. al vs. Osei-Kwasi

B. Department Policy

- 1. Use of force policy
- 2. Electronic weapons policy
- 3. Documentation
- 4. Medical policy

VI. Medical

A. Medical Considerations

- 1. Method of delivery
- 2. Electrical output
- 3. Physiological effects
- 4. Known pre-existing medical conditions

B. Subject Risk Factors

- 1. Drug and alcohol consumption
- 2. Excited delirium
- 3. Positional/restraint/compression asphyxia
- 4. Preventative measures

VII. Deployment

A. Pre-deployment

- 1. Modes of deployment
- 2. POST recommended weak-side carry
- 3. Communication/contact-cover
- 4. Deadly force cover considerations
- 5. Scene assessment/environmental considerations
- 6. Force options considerations
- 7. Known pre-existing medical considerations

B. Deployment

- 1. Recommended distance from subject
- 2. Target areas for subject
- 3. Communications
 - a. Other officers
 - b. Subjects (warning/directions)
- 4. Evaluate effect after each application
- 5. Application of additional or different force options
- 6. Safely take subject into custody (cuff under power)
- 7. Cover officer considerations in an arrest situation
- 8. Target Acquisition
- 9. Officer vs. Suspect expectations

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- a. Subject may freeze in place
- b. Subject falls to the ground
- c. No long term effects

C. Post-deployment

- 1. Medical assessment for subject or officers
- 2. Supervisor notification
- 3. Probe/dart removal
- 4. Transportation/medical clearance
- 5. Evidence collection

D. Documentation

- 1. Subject's behavior and actions
- 2. Independent witnesses
- 3. Documentation of the facts (injuries, medical care, etc.)
- 4. Audio, video, etc.

VIII. Practical Application and Testing

A. Written Test

- 1. Students will complete written test on material covered
- 2. Students will have test graded and will go over results
- 3. Remediation will be provided for any student that fails

B. Scenario Training

- 1. Static drills
- 2. Scenario-based exercises

C. Practical Test

- 1. Students will perform a practical test to demonstrate learning
- 2. Students will demonstrate competency with the electrical weapon
- 3. Students will be allowed to remediate if needed, prior to the end of the course
- 4. Course evaluations will be given

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Electronic Weapons Operator Course Hourly Schedule

- 0800-0820: Introduction/Registration, Issuing of departmental policy, POST roster, liability waiver
- 0820-0840: Safety Guidelines, announcements, first-aid procedures, instructions for emergency procedures
- 0840-0855: History of the Electronic Weapons, handheld and projectile devices, TASER and other manufacturers
- 0855-0910: Explanation of Electronic Incapacitation vs. Pain Compliance Devices
- 0910-0925: Medical considerations and subject/suspect risk factors
- 0925-0940: Provide information on exposures, individual and group exposures, readdressing safety procedures and post exposure issues
- 0940-1005: Pre-deployment considerations and force options discussion
- 1005-1025: Deployment issues, recommended distances, target areas, communication, evaluation, safety, cover officers
- 1025-1040: Presentation of TASER X26, nomenclature
- 1040-1055: Discussion of the Pros and Cons of the use of Electronic Weapons
- 1055-1115: Legal and Ethical considerations including laws and departmental policy
- 1115-1135: Post-deployment considerations including documentation
- 1135-1210: Written Test
- 1210-1310: Scenario Training including static drills and scenarios
- 1310-1400: Practical Exam to include a demonstration of learning, proficiency with weapon, and remediation if necessary

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input checked="" type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 1-11-09 / 1422	
CODE SECTION(S) PC 242, 148 (a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting/Delaying/Obstructing Officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>Detective Division Supplement:</p> <p>Witness:</p> <p>C [REDACTED] Z [REDACTED] [REDACTED] FEB 23 2019</p> <p>DOB: [REDACTED] (cell) DMV [REDACTED] RELEASED TO: SB1421 BY SAP J-265 BART POLICE DEPARTMENT</p> <p>On 1-11-09 about 1422 hours, I phoned Z [REDACTED] C [REDACTED] and obtained his statement by phone. The interview was recorded and its approximate run time is 28 minutes 44 seconds. The following is a summary of that interview:</p> <p>With regard to the media attention about the shooting, C [REDACTED] said he has not seen much because he does not have television. C [REDACTED] has purposely avoided the media attention because he would rather not get too involved. C [REDACTED] said he still had an independent recollection of the shooting.</p> <p>C [REDACTED] told me he and A [REDACTED] R [REDACTED] boarded a Dublin train at Civic Center station. C [REDACTED] believed he and R [REDACTED] were in the 2nd car from the lead car. C [REDACTED] was sitting next to R [REDACTED] in an aisle seat, facing the back of the car. C [REDACTED] observed the activity on the platform while looking directly to his left, through the window, and while remaining seated. C [REDACTED] approximated his distance between him and the males detained would be the width of the platform. The shooting occurred directly in front of him.</p> <p>When C [REDACTED] and R [REDACTED] boarded the train, there weren't many people in their car. By the time the train reached a couple of stops (Montgomery station), C [REDACTED] car became clogged with people. It was standing room only and C [REDACTED] could not see more than 2 feet in front of him.</p>					
REPORTING OFFICER(S) M. Maes 420		RECORDING OFFICER 420		DATE / TIME PREPARED 1/11/09 1505	
POSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS47 1-13-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:			

POLICE REPORT

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☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-11-09 / 1422

1. CODE SECTION(S) PC 242, 148(a) (1)		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting/Delaying/Obstructing Officer	
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland 94607	5. PHONE 510-464-7000

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A group of 4-5 males entered C [REDACTED] car from the front (walking back) about the time the train was at Civic Center, or by the time the train reached the next stop (Powell Street station). The group appeared to be black males; one male had dreads. C [REDACTED] did not know where the males boarded. The males walked past C [REDACTED] and continued in the direction of the back of the train. The males were talking loud. The males said something about a burrito stinking up one of the cars.

At some point prior to the Fruitvale station, the males returned to C [REDACTED] car, walked past C [REDACTED] and entered the next car. Between Civic Center station and Fruitvale station, the males never settled in C [REDACTED] car.

The train stopped at the Fruitvale station. The first officer (Officer Pirone), who was well-built and looked like a Marine or ex-Marine, pulled three males out of a car ahead of C [REDACTED] car. The three males were taken to the wall. Officer Pirone appeared to be holding a square yellow item, resembling a gun, but without a gun barrel (item believed to be a Taser). C [REDACTED] is not familiar with Tasers. A second female officer (Officer Domenici) arrived and remained with the three males at the wall.

Officer Pirone returned to the train. C [REDACTED] heard Officer Pirone say something similar to, "I see you guys in there. "You two guys need to come out here." "I know you're in the train." "Get out of the train." "I'm gonna come get you off the train if you don't get off the train." C [REDACTED] assumed based on what Officer Pirone was saying that someone was trying to hide from him. Officer Pirone was the only officer who was dealing with the persons he was giving commands to on the train.

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DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA / BART L21 <input type="checkbox"/> FAXED TO:		

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-11-09 / 1422

CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED.
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Officer Pirone then entered C [REDACTED] car, at C [REDACTED] end of the car, and walked to the other end. Officer Pirone removed a male with dreads (G [REDACTED] has dreadlocks). Officer Pirone forced G [REDACTED] to walk with him to the wall. G [REDACTED] resisted walking, so Officer Pirone used force to have him walk to the wall. Officer Pirone ordered G [REDACTED] to stay still. Officer Domenici remained with the four males, while Officer Pirone returned to the train to get the fifth male. C [REDACTED] believed the fifth male was the male who was later shot by police (this would be Grant). The actions of Officer Pirone did not seem out of the ordinary since the males were not cooperating.

Officer Pirone then returned to one or two cars ahead of C [REDACTED] and removed Grant. Officer Pirone removed Grant and placed him in the middle of the group of three males. The male with the dreads (G [REDACTED] was several feet to the left of the group detained.

C [REDACTED] recognized the males who were detained at Fruitvale station as the same males who had walked through his car twice earlier after C [REDACTED] boarded at Civic Center station.

All of the males were at the wall. Officer Domenici was trying to hold the males still. Officer Pirone (left the group) then returned and ran to Grant and kned him in the face. C [REDACTED] could not hear if anything was said between Officer Pirone and Grant, prior to Officer Pirone kneeling Grant in the face. C [REDACTED] did not know why Officer Pirone kned Grant in the face. The males were making a fuss. People on the train got loud and were making a fuss. People on the platform (in the area of the middle of C [REDACTED] car) started coming at the officers. The people were either already on the platform or they came off the train. The people were unruly and were wanting to threaten the officers. The people were just on

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1/11/09 1505

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☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-11-09 / 1422

CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

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the other side of where the Officers Pirone and Domenici were. The scene was getting hyped up. The tension was high.

Another male officer (Officer Mehserle), who was tall and thin with short hair, arrived to assist Officer Pirone. Officers Pirone and Mehserle dragged Grant to the ground and began grappling with him in an attempt to handcuff him. Grant was squirming around while the officers were trying to get him handcuffed. C [REDACTED] was unable to hear whether anything was being said between Officers Pirone and Mehserle. Officer Mehserle initially was on his knees when he and Officer Pirone were trying to handcuff Grant. Officer Mehserle then stood up and had his gun out. C [REDACTED] believed it was Officer's Mehserle's handgun because it did not have the square barrel like the gun (Taser) Officer Pirone was carrying earlier. C [REDACTED] then heard one pop sound and saw a poof of smoke come from Officer Mehserle's handgun while it was pointed at Grant. There were people standing over C [REDACTED] who were yelling and screaming.

Officer Mehserle had a look of shock on his face. Officer Mehserle looked terrified. C [REDACTED] could not imagine the look on Officer Mehserle's face was a normal look for him. Officer Mehserle looked as though he did not know what he had just done.

Officer Domenici appeared as if she pointed for Officer Mehserle to go do something else. Officer Mehserle walked away but C [REDACTED] did not see where he went or what he was doing. C [REDACTED] stared at Grant with the thought, "Wow. Did I just see that?" (referring to a person being shot.)

After the shooting, Grant remained still. C [REDACTED] thought Grant was dead. Grant then started squirming around. Grant was not handcuffed. C [REDACTED] never saw Grant get handcuffed. Passengers were blocking the doors.

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1/11/09 1505

APPROVED BY:

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POSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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OAKLAND, CALIFORNIA 94607

CASE #

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1-11-09 / 1422

CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Delaying/Obstructing Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

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Passengers on the train stated the shot was a beanbag. Passengers eventually moved from the doorway and the train departed.

C [REDACTED] described the demeanor of the officers as professional, except when Officer Pirone kneed Grant in the face. C [REDACTED] did not believe this was necessary. C [REDACTED] described the demeanor of the crowd as agitated and close to rioting.

In C [REDACTED] opinion the shooting was an obvious accident as if Officer Mehserle did not mean to do what he did.

With regard to alcohol consumption prior to the shooting, C [REDACTED] said he was sober as he did not have anything to drink that night.

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REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1/11/09 1505

APPROVED BY:

AF S47 1-13-09

POSITION:

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☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-13-09 / 1449

1. CODE SECTION(S)

PC 242, 148(a) (1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Obstructing/Delaying Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

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INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Division Supplement:

Witness:

C [REDACTED], T [REDACTED]
DOB: [REDACTED] DMV [REDACTED]

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On 1-2-09 about 1045 hours, I received a phone call from C [REDACTED] concerning the Fruitvale station shooting. C [REDACTED] said she had seen officers beating some boys on the platform, but she did not see the shooting.

I obtained C [REDACTED] contact information and advised her I would call her back to arrange a meeting. At the time C [REDACTED] called, the detective division was receiving a high volume of calls.

On 1-3-09 I phoned C [REDACTED] to follow up. C [REDACTED] said she was unavailable and asked if we could meet Sunday (1-4-09). Due to other required follow up, I was unable to meet with C [REDACTED] on 1-4-09.

On 1-13-09 about 1449 hours, I phoned C [REDACTED] in an attempt to meet with her. C [REDACTED] told me she was unavailable and would have to meet on 1-16-09. I elected to conduct a phone interview. The phone call was recorded and its approximate run time is 15 minutes 12 seconds. The following is a summary of that interview.

C [REDACTED] boarded a Dublin train in San Francisco and was en route to Coliseum station. C [REDACTED] was at a (night) club earlier in the evening and had been drinking. C [REDACTED] described her level of intoxication that night as "kinda drunk."

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-13-09 / 1515

APPROVED BY:

AFS471-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

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OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-13-09 / 1449

1. CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Obstructing/Delaying Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

██████ was in the second or third car back from the front. ██████ was standing towards the front of the car and in front of a set of double doors. ██████ observed the activity on the platform with the train doors open. The train was crowded and noisy.

Prior to the train reaching Fruitvale station, ██████ heard an argument or commotion in the car in front of hers. ██████ heard someone say there was a fight, but she could not see who was involved because the cars were crowded. Passengers from ██████ car began moving into the car in front of hers to see the commotion. ██████ believed the commotion involved black males. ██████ did not believe a fight ever occurred.

One male, who was shorter and had dreadlocks (██████ believed this person to be "M██████" (Grant) based on news coverage), was the first person ██████ remembered on the platform with officers. ██████ believed ██████ was pulled out of a car behind her car because she was looking towards the back of the train when she saw him. One officer, who ██████ could not describe, was choking ██████. ██████ then saw ██████ on the ground and passengers on the train were saying, "The police just slammed him." "Officers were out there cussing." ██████ did not know which officers were cussing. At the point ██████ was slammed to the ground was when passengers got excited and pulled out their cameras.

██████ remembered one "lady cop" on the platform but she could not remember what her role was.

At some point one male (██████ believed this person to be "Oscar" (Grant) based on news coverage) walked from the wall towards ██████. ██████ next saw Grant against the wall with the boys. Officers started grabbing the

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-13-09 / 1515

APPROVED BY:

AF 547 1-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☒ OTHER: ALCO DA/ BART L21☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-13-09 / 1449

1. CODE SECTION(S)

PC 242, 148(a)(1)

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting/Obstructing/Delaying Officer

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

boys. Grant was then on the ground. One officer had his knee on Grant's head. A second officer, who [REDACTED] said was the same person she saw on the news (this would be Officer Mehserle), stood above Grant. [REDACTED] heard one shot that sounded like a firecracker. [REDACTED] did not see a handgun in Officer Mehserle's hands.

The train departed about 30 seconds later. Passengers on the train were talking about Grant getting Tased or shot.

[REDACTED] did not know Grant or anyone in his group prior to the shooting.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1424
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

M. Maes 420

RECORDING OFFICER

420

DATE / TIME PREPARED

1-13-09 / 1515

APPROVED BY:

AFS47 1-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: ALCO DA/ BART L21☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #
0901-0027

PAGE
1 OF 1

OFFENSE(S)

**148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective Division Supplement.

NARRATIVE

Detective Division Supplement:

(Refer to BART PD Page 2 forms for narratives)

Supplement #1: Detective call out and response to Lake Merritt station. Retrieval of Officer Mehserle TASER. Documentation of T [REDACTED] C [REDACTED] amateur video as it relates to officers on scene and TASER use. Retrieval of Officer Mehserle TASER and training documents.

Supplement #2: 1-2-09 1240 hours, recorded phone interview with C [REDACTED] P [REDACTED]

Supplement #3: 1-2-09 1306 hours, recorded phone interview with A [REDACTED] R [REDACTED]

Supplement #4: 1-4-09 0641 hours, crime scene walk-thru at Fruitvale station with Officer Pirone.

Supplement #5: 1-5-09 1421 hours, follow up interview at Lake Merritt station with Officer Knudtson.

Supplement #6: 1-6-09, Officer Mehserle voluntary TASER exposure video, two additional classroom TASER training documents, and photographing of Officer Mehserle's handgun, Officer Mehserle's assigned TASER for his patrol shift on 12-31-08, and the BART PD detective division assigned TASER. the handgun and the two TASERS were photographed for likeness comparison purposes.

Supplement #7: 1-11-09 about 1422 hours, recorded phone interview with Z [REDACTED] C [REDACTED]

Supplement #7: 1-13-09 about 1449 hours, recorded phone interview with T [REDACTED] C [REDACTED]

DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421

BY SAP J-285
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER	
BY OFFICER M. Maes 57403		DATE/TIME 01/15/2009 16:10	APPROVED BY Alan Fueng 56615
OFFICER		UNIT/SHIFT	DATE APPROVED 01/19/09
		ASSIGNED TO	CASE STATUS Active

Supp-1-Maes/57403 Entered by: Michael Maes

APDC (Rev. 03/13/08) Print Date: 01/19/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 1 of 3

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

Scene: Fruitvale BART Station 3401 E. 12th Street Oakland, CA (Train Platform#1)

Narrative:

On 01-01-2009 about 0338 hours, Detective M. Maes ##420 and I were on uniform patrol at the Orinda BART station. BART PD Evidence ID techs had already been dispatched to the scene of an officer involved shooting incident that had occurred earlier (about 0205 hours) at the Fruitvale BART station.

However, there was a request for more BART PD Evidence ID techs and BART PD Detective investigators. Maes #420 and I were both dispatched, per Sgt R. Gregson #S56 and Detective Sgt A. Fueng #S47.

Detective Maes #420 was requested at BART PD headquarters located at Lake Merritt Station.

While enroute to the Fruitvale station I stopped at the Lake Merritt BART PD headquarters to drop off Maes #420 so he could start his part in the investigation.

After dropping Maes #420 off, I continued to the Fruitvale BART station and arrived about 0407 hours, where I made contact with Lt. Cagaanan #L18 and Sgt M. Macaulay #S40. I was directed to BART train platform #1 where I contacted BART PD Evidence ID technicians--Ofc. L. Olsen #436 and Ofc. B. Moore # 484. They were already assigned for processing the scene for evidence.

On platform #1 item markers (numbers #1 thru number #26) were already placed by Moore #484 and Olsen #436. Olsen #436 and Moore #484 briefed me on what they had done up to that point including the following: Olsen #436 documented, diagrammed (measurements) the scene including the location of the evidence items. Moore #484 photographed the scene. Refer to both Olsen #436 and Moore's #484 reports for further details.

After conducting a check of the platform/trackway scene, I collected all of the evidence items

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/2009 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest	<input type="checkbox"/>
Crime	<input checked="" type="checkbox"/>
Non-Criminal	<input type="checkbox"/>

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

in chronological order. During the evidence collection process, Olsen #436 assisted me with the documentation of the items I collected while Moore #484 took additional photos. I collected all of the items of evidence from the scene which included evidence items wmalone-001 thru item wmalone-030 (see evidence).

Evidence item wmalone-010 was an "Akademiks" Jacket with black exterior and plaid interior, size 3XL. During the collection of this jacket (item wmalone-010), I recovered a bronze colored Samsung cellular phone (serial #R7WQ846440X) from the jacket's left breast zipper pocket. The recovered Samsung cellular phone was booked into evidence separate and listed as evidence item wmalone-026 in this report (see evidence).

While collecting evidence item wmalone-011 ("ECKO-UNLTD"--mens jeans w/blood on Right front pocket with black belt), I recovered the following items from the pants left front pocket and they were later booked into evidence separately:

U.S. cash and coins totaling \$188.89 recovered from left front pants pocket (evidence item wmalone-025)

Key rings with three keys (evidence item wmalone-027)

Sony Ericcson T-Mobile cell phone, green and black in color, model/serial #BX9000DUK76 (evidence item wmalone-028)

A Department of Motor Vehicles issued California Identification card # [REDACTED] -Oscar Julius Grant, date of birth [REDACTED] address: [REDACTED] (evidence item wmalone-029)

While collecting the "Intel" Metallic Coffee mug (evidence item wmalone-013), I located a small amount of a green leafy matter inside the sippy-cup mug. Based on my training and experience, I suspected the green leafy matter to be marijuana. The green leafy matter was weighed (approximately 0.5 grams), NIK Test kit-E ("positive") for the presence of marijuana, and K-pack sealed in the presence of Officer Olsen #436 and Sgt Ledford #S37 who initial

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/2009 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 3 of 3

Narrative Report

OFFENSE(S)		OFFENSE(S) cont'd.		
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02		
LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR

NARRATIVE

the evidence envelope. The suspected marijuana was booked into evidence (listed evidence item wmalone-030). I recommend that this item (wmalone-030) be sent to lab for testing.

Four clothing items collected at the scene as evidence had blood on them and they are as follows:

Item #wmalone-003 ("Noiz" Men's black colored jacket with blood on front)

Item #wmalone-011 (ECKO-UNLTD--Mens jeans (cut) w/blood on Right front pocket with black belt (cut)

Item #wmalone-012 ("HAUTE" / "ALSTYLE" T-shirts (cut), size 3XL, small hole

Item #wmalone-014 ("Nona" size XL Tshirt w/ blood stains)

The above four listed items (Item #wmalone-003; Item #wmalone-011; Item #wmalone-012; Item #wmalone-014) were booked/locked into the evidence Drying Cabinet locker at the Lake Merritt BART PD -evidence section approximately 0630 hours (01-01-2009) by me (BART PD #457). Once the items are dry (approximately 2-3 days) they will be booked into evidence by #457. A supplemental report noting the date and time of removal of the evidence items from the locked Drying Cabinet locker will follow this evidence report.

No other action taken at this time.

FEB 23 2019
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BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/2009 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 5

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 192.19

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-001	E	1	OTH		Ammo/explosives	Federal	.40 Cal S&W	
SERIAL NUMBER		BAR CODE 38782			VALUE	TOTAL	LOCATION / BIN # LMA Locker 13	
DESCRIPTION One .40 cal casing							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-002	E	1	BLK		Miscellaneous	Unknown		
SERIAL NUMBER		BAR CODE 38783			VALUE	TOTAL	LOCATION / BIN # LMA Locker 13	
DESCRIPTION Hollow plastic rod about 7 1/2 inches long							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-003	E	1	BLK		Clothing	"Noiz" mens jacket		
SERIAL NUMBER		BAR CODE 38808			VALUE	TOTAL	LOCATION / BIN # LMA Dry Cabinet	
DESCRIPTION Men's black colored jacket with blood on front							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-004	E	1	BLU	WHI	BART tickets	BART ticket (bent)		
SERIAL NUMBER		BAR CODE 38784			VALUE \$ 0.30	TOTAL \$ 0.30	LOCATION / BIN # LMA Locker 13	
DESCRIPTION Regular BART ticket							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-005	E	1	BLU	WHI	BART tickets	Blue bart ticket		
SERIAL NUMBER		BAR CODE 38785			VALUE \$ 3.00	TOTAL \$ 3.00	LOCATION / BIN # LMA Locker 13	
DESCRIPTION Regular bart ticket							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-006	E	1	WHI	YEL	Miscellaneous	Newport Cigarette		
SERIAL NUMBER		BAR CODE 38786			VALUE	TOTAL	LOCATION / BIN # LMA Locker 13	
DESCRIPTION Broken "Newport" filtered cigarette							<input type="checkbox"/> FIELD RECEIPT ISSUED	
WMALONE-007	E	1	BLK	RED	Miscellaneous	Townson Trauma kit		
SERIAL NUMBER		BAR CODE 38787			VALUE	TOTAL	LOCATION / BIN # LMA Locker 13	
DESCRIPTION Law Enforcement Trauma Shooting Kit (empty)							<input type="checkbox"/> FIELD RECEIPT ISSUED	

CONTROLLED DOCUMENT
RELEASED TO: BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL
FEB 23 2009
581421

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/09 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
 Crime ☒
 Non-Criminal ☐

BART Police Department
 800 Madison Street, PO Box 12688
 Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 2 of 5

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

\$ 192.19

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM # WMALONE-008	STATUS E	QUANTITY 1	COLOR GRN	COLOR 2	TYPE Miscellaneous	MAKE Pair medical gloves	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38788	VALUE		TOTAL		LOCATION / BIN # LMA Locker 13		
DESCRIPTION One pair of disposable latex gloves								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-009	STATUS E	QUANTITY 1	COLOR RED	COLOR 2 BLK	TYPE Audio/video	MAKE Metro PCS Flip Phone	MODEL ZTE	YEAR
SERIAL NUMBER 321782271828	BAR CODE 38789	VALUE		TOTAL		LOCATION / BIN # LMA Locker 13		
DESCRIPTION Cellular flip phone								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-010	STATUS E	QUANTITY 1	COLOR BLK	COLOR 2 OTH	TYPE Clothing	MAKE "Akademiks" Jacket	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38790	VALUE		TOTAL		LOCATION / BIN # LMA Locker 13		
DESCRIPTION Jacket Black exterior plaid interior/3XL								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-011	STATUS E	QUANTITY 1	COLOR OTH	COLOR 2 BLK	TYPE Clothing	MAKE ECKO-UNLTD Pants	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38809	VALUE		TOTAL		LOCATION / BIN # LMA Dry Cabinet		
DESCRIPTION Cut Mens jeans (blood on Rt front pocket) with black belt								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-012	STATUS E	QUANTITY 1	COLOR BLK	COLOR 2 WHI	TYPE Clothing	MAKE "HAUTE" / "ALSTYLE"	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38811	VALUE		TOTAL		LOCATION / BIN # LMA Dry Cabinet		
DESCRIPTION Cut 3XL T-shirts								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-013	STATUS E	QUANTITY 1	COLOR SIL	COLOR 2	TYPE Miscellaneous	MAKE Metallic Coffee mug	MODEL Intel	YEAR
SERIAL NUMBER	BAR CODE 38791	VALUE		TOTAL		LOCATION / BIN # LMA Locker 13		
DESCRIPTION Large metallic sippy-type mug								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-014	STATUS E	QUANTITY 1	COLOR	COLOR 2	TYPE Clothing	MAKE XL Tshirt "Nona"	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38810	VALUE		TOTAL		LOCATION / BIN # LMA Dry Cabinet		
DESCRIPTION Tshirt w/blood stained								<input type="checkbox"/> FIELD RECEIPT ISSUED

CONTROLLED DOCUMENT
 DUPLICATION
 CONTROL
FEB 23 2019
 RELEASED TO: **SB1421**
 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/09 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 3 of 5

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 192.19

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-015	E	1	OTH		Miscellaneous	Used alcohol pad		

SERIAL NUMBER	BAR CODE 38792	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

Used alcohol pad in wrapper

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-016	E	1	BLU		Miscellaneous	Rubber Peg		

SERIAL NUMBER	BAR CODE 38793	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

Rubber peg-about one inch length

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-017	E	1	WHI		Miscellaneous	Roll of tape	Johnson&Johnson	

SERIAL NUMBER	BAR CODE 38794	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

Roll of tape-2-inch

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-018	E	1	OTH		Miscellaneous	Bottle vitamin water		

SERIAL NUMBER	BAR CODE 38795	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

Bottle of vitamin water -half consumed, contents poured out

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-019	E	1	OTH		Miscellaneous	"Coogi" clothing tag		

SERIAL NUMBER	BAR CODE 38796	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
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DESCRIPTION

"Coogi" brand clothing tag

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-020	E	1	BLK		Miscellaneous	Black pic-comb		

SERIAL NUMBER	BAR CODE 38797	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

Black colored pic comb

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-021	E	1	OTH		Miscellaneous	"Coogi" clothing tag		

SERIAL NUMBER	BAR CODE 38798	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13
---------------	--------------------------	-------	-------	--

DESCRIPTION

"Coogi" brand clothing tag

☐ FIELD RECEIPT ISSUED

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-285
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/09 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
 Crime ☒
 Non-Criminal ☐

BART Police Department
 800 Madison Street, PO Box 12688
 Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 4 of 5

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 192.19

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-022	E	1	BLK	OTH	Audio/video	Samsung cellphone batte	Samsung	
SERIAL NUMBER TH2Q7285S4-G	BAR CODE 38799		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Samsung cell phone battery

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-023	E	1	OTH		Audio/video	Samsung -Metro PCS		
SERIAL NUMBER SCH-R450	BAR CODE 38800		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Samsung -Metro PCS cellular phone -without battery

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-024	E	1	BLK	WHI	Audio/video	Samsung phone back pla		
SERIAL NUMBER	BAR CODE 38801		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Samsung cellularphone back plate

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-025	E	1	OTH		Currency	U.S. Currency		
SERIAL NUMBER	BAR CODE 38802		VALUE \$ 188.89		TOTAL \$ 188.89		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

U.S. cash and coins recovered from left front pants pocket (wmalone-011)

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-026	E	1	BRZ		Audio/video	Samsung cellphone		
SERIAL NUMBER R7WQ846440X	BAR CODE 38803		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Samsung cellular phone

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-027	E	1	OTH		Miscellaneous	Key rings w/3 keys		
SERIAL NUMBER	BAR CODE 38804		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Key rings with three keys

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
WMALONE-028	E	1	BLK	GRN	Audio/video	Sony Ericsson	T-mobile	
SERIAL NUMBER BX900DUK76	BAR CODE 38805		VALUE		TOTAL		LOCATION / BIN # LMA Locker 13	

DESCRIPTION

Sony Ericcson cell phone

☐ FIELD RECEIPT ISSUED

FEB 23 2019
RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/09 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 5 of 5

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

\$ 192.19

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM # WMALONE-029	STATUS E	QUANTITY 1	COLOR OTH	COLOR 2	TYPE Documents/indicia	MAKE California ID card	MODEL	YEAR
SERIAL NUMBER [REDACTED]	BAR CODE 38806	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13				
DESCRIPTION DMV CA ID card								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # WMALONE-030	STATUS E	QUANTITY 1	COLOR GRN	COLOR 2	TYPE Narcotics	MAKE Suspected Marijuana	MODEL	YEAR
SERIAL NUMBER	BAR CODE 38807	VALUE	TOTAL	LOCATION / BIN # LMA Locker 13				
DESCRIPTION Green leafy matter recovered from inside metallic cup (Item #wmalone-013) Marijuana 0.5 Gram(s)								<input type="checkbox"/> FIELD RECEIPT ISSUED

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/03/09 16:30	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 1 of 1

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

Narrative:

On Saturday 01-03-2009 about 2345 hours, I arrived at the Lake Merritt BART PD headquarters (800 Madison Street Oakland, CA). I went to the BART PD evidence department and transferred and booked the following four evidence items (Item #wmalone-003; Item #wmalone-011; Item #wmalone-012; Item #wmalone-014) from the BART PD Drying Cabinet/locker to the evidence room's refrigerator-freezer evidence locker.

The new location of these evidence items (Item #wmalone-003; Item #wmalone-011; Item #wmalone-012; Item #wmalone-014) was updated in the property/evidence list of this supplemental report (location: BART PD evidence room's refrigerator-freezer storage locker).

No other action was taken.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER W. Maloney 57285	DATE/TIME 01/04/2009 18:26	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

Supplemental Narrtive:

While working as a Field Identification, Evidence Technician on this case (BART PD #0901-0027), I wore latex gloves at the scene of the incident (at Fruitvale BART station) and during all phases of collection and booking of the listed evidence items. I wore the latex gloves so as to not contaminate the evidence.

Refer to my two other evidence supplemental reports for further details (case#0901-0027 Evid-1-Malone and case#0901-0027 Evid-1-Malone).

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SP1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☒

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

W. Maloney 57285

DATE/TIME

01/29/2009 09:23

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/30/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Supplement:

On 01/01/09, I was working a Special Events New Year's Eve detail with the BART Police Tactical Team. We were stationed at the Embarcadero BART Station. At about 0202 hours, there was a call for service at the Fruitvale BART Station regarding a fight on a Dublin/ Pleasanton train. Several officers responded.

At about 0218 hours, Detective T. Smith #374 and I were requested to respond to the scene of the original call for a gunshot victim. I was informed by Detective Enriquez #456, via the BART Police radio, to continue to the Lake Merritt BART Station Police Facility. Enriquez informed me that all the suspects, and involved parties would be transported to the Lake Merritt BART Station Police Facility. The suspects, and the involved parties were separated upon arrival. There was a police officer assigned to each witness. Each Officer was placed into separate rooms.

Officer Johannes Mehserle #544 (Involved Party)

At about 0925, Detective Enriquez #456 and I met with Officer Mehserle #544, his counsel (David Mistagni & Daniel McNamara), Melissa Krum (DDA), Frank Moschetti (Alameda County Investigator) and Sgt. Fueng S-47. The meeting was to obtain a statement from Officer Mehserle regarding the incident. Prior to Enriquez reading Officer Mehserle his Miranda Rights, Mistagni stated Mehserle understood his rights and was declining to give a statement at the time.

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Officer Anthony Pirone #514 (Involved Party)

At about 1003 hours, Enriquez and I met with Officer Pirone and his counsel (David Mastagni & Daniel McNamara). Pirone gave us a voluntary

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

AF 847 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

 PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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statement. Pirone told us the following:

On the incident day, he was assigned to Beat 10 with Officer Marysol Domenici #496 as a partner. Pirone stated he was at the Fruitvale BART Station when he received the initial call for service. He was in the free area dealing with an incustody. They were advised that there was a fight on the train (lead car) at the platform involving five African males. Pirone stated he went to the platform by himself, because Domenici was dealing with another incident that had just taken place by the booth.

Pirone said when he arrived on the platform he saw five African males approximately 100 yards away, engaged in a conversation with a female. Pirone said he walked towards the lead car (incident car) and the suspects were walking towards him. He stated he deployed his taser gun and pointed it at the group as they were walking towards him. As he started giving them verbal instructions to get against the wall so that he could speak to them, two of the suspects branched off and jumped back on the train. Out of the three that were left, two of them hesitated and stopped in their steps, the third suspect tried to walk around him. Pirone said he made contact with the third suspect by placing his hand on the suspect's chest and told him and his two friends to get up against the wall. At this time there was no one else on the platform besides him and the three suspects. Pirone said he gave them instructions to keep their hands where he could see them, because he was thinking there was a high probability that someone may have a gun.

Pirone stated after his partner (Domenici) arrived to take care of the three suspects, he was able to get the deceased, later identified as Grant, to off board the train. He directed Grant to the wall to sit down with his companions. Pirone said he did not notice any objective signs of alcohol or drug use at the time of contact with Grant. According to Pirone, Grant was very uncooperative verbally (cursing) and physically. Pirone said Grant got up several times after he told him to have a seat. Pirone stated he told Grant several times to keep his hands out of his pockets and to sit down. Grant did not comply until Pirone said he became stern with him.

After off-boarding Grant, Pirone went back on the train to off-board the last suspect. He said he gave the suspect verbal instructions to off

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

board the train, but the suspect did not. Pirone said he knew exactly what the suspect looked like because he watched him walk onto the train. People on the train was telling the suspect to get off the train so they could go home. At that time, Pirone said he walked onto the train and saw the suspect hiding behind another individual. He grabbed the suspect by his shirt, and off boarded the suspect. Pirone said the suspect was violently trying to escape his grasp, with no success. The suspect turned around in a combative stance, with hands raised, and closed fist. Pirone said he grabbed the suspect, threw him over his leg, put him on the ground, and handcuffed him.

Grant started to get up and started name calling. Grant was saying things like, "fake bitch-ass cops, you're nothing but a punk bitch". Pirone said he gave Grant instructions two or three times to sit back down.

Other responding officers arrived and started addressing the crowd, because there were people yelling and screaming from the train. Pirone said he could hear people throwing things at them (Officers). Pirone said he had only handcuffed the second suspect that he had off boarded, no one else had been searched or handcuffed.

Pirone said Officer J. Guerra #508 and Officer J. Mehserle #544 arrived and watched the suspects, while Domenici and Woffinden #547 were doing crowd control. Pirone walked over to the train operator and asked her what she saw. She said the five guys that he had detained were fighting on the train car. According to the train operator, there was no one else involved. She stated she didn't really see what they were doing because there were so many people in the car, but it was the five that Pirone had stopped. The train operator said they were causing a ruckus and fighting with someone on the train. There were no known victims and no one made themselves known.

Pirone said he walked back over to where the suspects were being detained. Officer Mehserle asked him what did he have. Pirone said he pointed to the one suspect handcuffed, and to Grant and informed Mehserle that they were under arrest for 148 PC- Resisting arrest. At that time, Pirone said himself and Mehserle tried to go hands on with Grant, as far as grabbing an arm. Grant violently resisted and tried to break free from

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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their grasp. Somehow Grant went to the ground, belly first. Pirone said he immediately tried to hold Grant's head and shoulders down on to the ground. Pirone said he told Grant, "Stop resisting, you're under arrest, put your hands behind your back." At that time Pirone said he heard Mehserle say, "Put your hands behind your back, stop resisting, stop resisting, put your hands behind your back." Then Mehserle said, "I'm going to tase him, I'm going to tase him. I can't get his arms, he won't give me his arms. His hands are going for his waistband." Then Mehserle popped up and said, "Tony, Tony, get away, back up, back up". Pirone said he jumped up, that's when he heard a bang. He was about three feet away and heard one shot.

Pirone said he never saw Grant's hands, all he saw was a couple of elbows. Pirone said they were not getting compliance from Grant. He stated Grant's arms were down by his waist and all he could see were two elbows, which is consistent for someone going for a weapon. Based on his experience, Pirone said if a suspect is trying to get away and/ or get up they generally put there hands in the chest area or outside the chest area in a push up type of position. According to Pirone, Grant placed his hands into his waistband/ groin area, that is generally where weapons are kept.

Pirone said at the time of the shooting he was in fear for his life. He believed the suspect was going for a gun. Pirone said he couldn't tell what Grant was doing, or what he was going for.

Pirone stated he did not have any prior contact or knowledge of Grant before the incident. Pirone told me he gave Grant six to seven different verbal orders, which he did not comply throughout the entire contact. He also stated he heard Mehserle give Grant a verbal order of which he did not comply. There were no handcuffs placed on Grant prior to the shooting.

During the interview, Enriquez had Pirone mark his position, the officers, and Grant's positions on a diagram. The diagram was of the platform at the Fruitvale BART Station. He also placed marks where the train car doors were located on the platform. Pirone was not sure the exact positioning of all the parties at the scene, it was noted on the recording. For the diagram and diagram legend please see Enriquez'

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☒ OTHER: DA☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

1. CODE SECTION(S) 242 PC/ 148(a)(1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony	4. ADDRESS 800 Madison Street, Oakland, Ca. 94607
	5. PHONE 510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

started screaming. T [REDACTED] said then he heard one gunshot. He told me his memory gets a little fuzzy after that. F [REDACTED] stated that either the suspect turned himself over or the officer's turned him over. He believes the officer flipped the guy over at that time. F [REDACTED] said the suspects hands were tied behind his back. He told me he saw the officer's tie the suspects hands behind his back.

F [REDACTED] was unable to describe the different officers. He stated he knew one officer was white with short hair. F [REDACTED] said all the officers mixed in together. According to F [REDACTED], there was a lot of commotion on the train and off the train.

While on the phone, F [REDACTED] informed me that his wife was present and stated she wanted to talk to me about the incident.

M [REDACTED] B [REDACTED] F [REDACTED] (Witness)

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
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At about 1251 hours, I spoke to (W) M [REDACTED] B [REDACTED] F [REDACTED]. I informed M [REDACTED] that I was going to record her statement, M [REDACTED] said that was fine with her. She told me the following:

She was on the train with her husband (T [REDACTED]), coming back from a concert in San Francisco. M [REDACTED] said she was seated next to the window and T [REDACTED] was seated next to her. M [REDACTED] stated she was dozing off and the train had stopped, but she still had her eyes closed. M [REDACTED] said she heard a male's voice say, "I need the other person to get off the train. I need you to get off now". After the officer's announcement, the crowd on the train got in an uproar. M [REDACTED] said she opened her eyes and saw the officer come onto the train and pull the male standing next to them off the train car. M [REDACTED] told me the officer handcuffed the male after taking him off the train. According to M [REDACTED], there were already two or three suspects on the floor sitting against the wall. Then the officer went to

REPORTING OFFICER(S) A. McNack 460	RECORDING OFFICER A. McNack 460	DATE / TIME PREPARED 01/03/08, 0902 hr	APPROVED BY:
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA <input type="checkbox"/> FAXED TO:	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/01/09, 1200 hrs.	
1. CODE SECTION(S) 242 PC/ 148(a) (1)PC		2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland, Ca. 94607		5. PHONE 510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED. INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>the suspect (who was shot later), who appeared to be on a cell phone. The officer's turned the suspect over and handcuffed him. One officer had his knee in the suspect's neck/ jaw area. The other male officer was doing something to the lower part of his body. M████ said everyone started screaming at the officers. M████ said she heard a pop and thought that it was a gun one of the officers' were holding that shoots out the little red dot (Taser). But everyone on the train started yelling, "They shot him, they shot him". M████ said after she heard the gun shot, her view was blocked by the police officers. She was unable to tell me what happened after the gunshot.</p> <p>According to M████ there were at least three to four officers at the scene. She saw a male and female officer initially. Then another officer came and was holding a gun with a red dot (taser) coming out of it on the suspects line up against the wall. Then M████ said she saw one more male officer coming. M████ stated that prior to the officer coming on to the train, it was noisy, but nothing alarming. There was a group of males walking through the train car making noise. M████ told me the male that was pulled off the train came onto her train car while at the Fruitvale BART Station.</p> <p>Both phone interviews were digitally taped with an Olympus WS-311M tape recorder. Each interview was placed into evidence locker #1 in the Lake Merritt Police Evidence Room.</p>					
K████ W████ (Reporting Party) <div style="background-color: black; width: 300px; height: 60px; margin-top: 5px;"></div>		<div style="color: red; font-weight: bold; margin: 0;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </div> <div style="color: red; font-weight: bold; margin: 5px 0 0 0;"> FEB 23 2019 </div> <div style="color: red; font-weight: bold; margin: 0;"> RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>			
<p>On 01/02/09 at about 0803 hours, Detective Tanzanika Carter #416 and I met with Train Operator K████ W████ at the Daly City Yard. We informed W████ that we needed to take a taped statement from her and ask her some questions. W████ said she was fine with giving a statement and requested to have M████ A████ (Chief Union Steward) sit in</p>					
REPORTING OFFICER(S) A. McNack 460		RECORDING OFFICER A. McNack 460		DATE / TIME PREPARED 01/03/08, 0902 hr	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA <input type="checkbox"/> FAXED TO:			

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

CASE #

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DATE / TIME OF SUPPLEMENT

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1. CODE SECTION(S)

242 PC / 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

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4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

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the interview with her.

W [REDACTED] told us the following: She was the train operator for train run #523 on January 1, 2009. W [REDACTED] said the subjects involved in the police incident were first brought to her attention on the night of the incident, at the Lake Merritt BART Station. W [REDACTED] described two of the males as #1 - Light skinned male with wavy hair, #2 - Light skin male, tall, husky build, and sandy brown hair in a ponytail (puffy). W [REDACTED] said it appeared the subjects were trying to figure out what train to get on. One of the subjects was standing in the door of the train, keeping the train from leaving the station. W [REDACTED] said she told the subjects to get on the train or get off. The subjects complied and the train continued on to the Fruitvale BART Station. W [REDACTED] said she later saw male #1 on the news talking about the incident.

W [REDACTED] said as she was coming into the Fruitvale BART Station she got an intercom call. A female patron stated, "There's a fight on the train!" W [REDACTED] informed the female to look on the intercom to get the car number. The female told her, "381". W [REDACTED] stated that car #381 was the lead car on her train. W [REDACTED] said she looked through the satellite window (window with view inside train car), but could not see anything because the train car was packed (crush load). W [REDACTED] said she called Central and reported that there was a fight on the lead train car. While she was on the phone with Central, W [REDACTED] said she received another intercom call from a male patron. The male was reporting there was a fight on the train. W [REDACTED] said she asked the male for a description and was told that there were two black males with black clothing. W [REDACTED] said she relayed the information to central, and was told to hold her position. W [REDACTED] said she looked through the satellite window again and stated she still could not see anything. At this time W [REDACTED] said she looked out the window onto the platform and didn't see anything. W [REDACTED] said she went back and looked through the satellite window, and saw people standing on the seats and looking down. W [REDACTED] said she went back to the window on the platform and saw a group of males wearing all black with a female wearing red standing on the platform. W [REDACTED] said there were about five to seven subjects in the group. W [REDACTED] said the female appeared to be arguing with someone on the train.

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC / 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

W [REDACTED] said the light skinned male she talked to at the Lake Merritt BART Station came over to her and asked, "Is 5.0 (Police) coming". W [REDACTED] said she nodded her head, yeah. The male said, "Let this go, we got to go, we got to go". W [REDACTED] said the subjects started walking to exit the station. A Police Officer was walking towards the group, stopped them, and directed them over to the corner. W [REDACTED] said one of the subjects ducked back onto the train. According to W [REDACTED], the Officer went onto the train and off boarded the male (black male, 5'6-5'7, short afro, black t-shirt). W [REDACTED] said she also saw another officer at the end of the platform walking down the platform, looking into the train cars.

W [REDACTED] told me after the initial male officer got everybody in the corner, a female officer watched them while he came over to her. The officer asked her what was going on. W [REDACTED] said she told him something to the effect of: I got a call there was a fight. They (subjects detained) got off the train and were leaving. The girl with the red on was mouthing off to somebody and they were leaving. The officer said, "Ok" and walked away. W [REDACTED] said that was the only conversation she had with the officer. W [REDACTED] stated she never confirmed the subjects who off boarded the train were the subjects involved in the fight, because she wasn't sure.

After the officer talked to her, he returned to the corner where the subjects were detained. W [REDACTED] said she saw a scuffle going on in the corner where the Officers and subjects were. W [REDACTED] stated she could not see who was involved in the scuffle or what exactly was happening. W [REDACTED] said she informed Central that they needed to send help for the officers, because the situation was getting volatile. W [REDACTED] told me her view was partially blocked due to people who were pouring out of the train and watching the Police and the subjects. She also told me there was a wall near the incident area that also blocked her view. W [REDACTED] could not be sure who the officer was that was involved in the scuffle. She also stated she couldn't tell how physical the scuffle was. During the scuffle, W [REDACTED] stated that the initial officer was there, and a female officer, however she is unsure if there were any other officers.

Next, W [REDACTED] said she saw another male officer come up to the

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a) (1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

platform, charge someone, and push him to the ground. Then everyone started spilling out onto the platform and being loud. W [REDACTED] informed me that she was unable to close the doors to the train because people were standing in the door ways. W [REDACTED] says she got another call from a female patron who says, "Close the doors, I don't want to get shot!". W [REDACTED] said she told the female she couldn't close the doors. W [REDACTED] said she was looking out the window and it was 'Mayhem', people were off the train standing and watching the incident. W [REDACTED] said she was standing in the window when she heard a BOOM. W [REDACTED] said she immediately informed central, "Shots fired." W [REDACTED] was unable to tell where the gun shot came from, but knew it was a gun shot. W [REDACTED] stated it was crazy, people were everywhere. There were people yelling and videotaping the officers. W [REDACTED] said she tried to close the doors several times, but was unable to. W [REDACTED] said she made several announcements for people to get on the train, but no one was listening. W [REDACTED] was finally able to leave the station.

When W [REDACTED] arrived at Castro Valley she exited the train and was told by a male passenger that the gun shot came from the platform.

W [REDACTED] said she had no clue that the gun shot came from the platform.

W [REDACTED] said she never saw any of the Officers are subjects with any weapons. According to W [REDACTED] she had never seen the subjects prior to the incident night. She did not see any of the subjects handcuffed. W [REDACTED] informed me that she did not see the subject get shot, she only heard the gunshot.

W [REDACTED] statement was downloaded onto a compact disk and placed into evidence locker #1 at the Lake Merritt Police Evidence Room.

At about 0945 hours, I requested a copy of the recorded call by W [REDACTED] to Central from E [REDACTED] W [REDACTED] (Central Manager). I was able to listen to all the recordings with B [REDACTED] to make sure we received all the recordings pertaining to the call. The recordings confirmed W [REDACTED] statement of events as they pertain to the information she relayed to Central. I received a copy of the recording via my BART email address. The recording was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.

CONTROLLED DOCUMENT

REPLICATION OR REISSUANCE

CONTROLLED BY [REDACTED]

FEB 23 2013

RELEASED TO: [REDACTED]

BY SAP J-283

BART POLICE DEPARTMENT

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/01/09, 1200 hrs.
1. CODE SECTION(S) 242 PC/ 148(a) (1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland, Ca. 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>B [REDACTED] J [REDACTED] O [REDACTED] (Witness)</p> <p>[REDACTED]</p> <p>At about 1130 hours, I received a telephone call from B [REDACTED] O [REDACTED]. He stated he was a witness to the incident at the Fruitvale BART Station. O [REDACTED] initially stated that he wanted to be an anonymous caller, however he changed his mind and agreed to give me his information. O [REDACTED] told me the following: He boarded the Dublin/ Pleasanton train from the Embarcadero BART Station. O [REDACTED] stated he was on the second train car standing at the entrance of the door, about 20 feet from the incident. O [REDACTED] told me there was a group of kids smoking in the train car and causing a ruckus. The kids got into an altercation with another guy and his girlfriend on the train. O [REDACTED] said a couple of punches were thrown, but nothing big. According to O [REDACTED], the guy and his girlfriend off boarded the train at the Lake Merritt BART Station. The people who started the fight stayed on the train car. When the train arrived at the Fruitvale BART Station, about two or three people exited. The police were at the station and pulled at least three or four guys off the train and placed them up against the wall. A lady officer and another male officer came and started watching the guys that were lined up against the wall. There were several people around the officers yelling and screaming. The officer on the scene first, pulled his taser (yellow) out and tased a guy in all black. The officer held the guy down on the ground after tasing him. O [REDACTED] stated he saw other officers come to assist the first officer, because there were other people around the officers yelling, not letting the officer do his job. Meanwhile, the officer is still holding the guy down on the ground, then O [REDACTED] said he heard a gun shot go off 'POW'. O [REDACTED] said the guy who was shot did not have any handcuffs on.</p>				
REPORTING OFFICER(S) A. McNack 460		RECORDING OFFICER A. McNack 460		DATE / TIME PREPARED 01/03/08, 0902 hr
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: DA <input type="checkbox"/> FAXED TO:		

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09, 1200 hrs.

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

During the incident, O [REDACTED] stated that he saw several officers with their 'billy clubs' out. O [REDACTED] told me he did not hear any conversation from the officers or subjects. O [REDACTED] said he did not see the subject get shot, he just heard what sounded like a firework. O [REDACTED] stated he did not see the gun pulled out, however he knows what a gunshot sounds like, and he knew it was a gunshot.

O [REDACTED] said one officer came to the scene and tackled a guy, because he was taunting the police and surrounding the police. He said he saw someone throw a 20 oz. plastic bottle at the police while they were trying to do their job. O [REDACTED] told me he was unable to tell whether the guy who was shot was handcuffed or not. The incident happened behind a wall that partially blocked his view. Nothing further.

O [REDACTED] statement was recorded and downloaded onto a compact disc. The disc was placed into evidence locker #1 in the Lake Merritt Police Evidence Room. Nothing further.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack 460

DATE / TIME PREPARED

01/03/08, 0902 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: DA☐ FAXED TO:

POLICE REPORT

CASE#

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

 BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Tony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

 PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT:

 CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

 RELEASED TO: SB1421
 BY SAP J-265
 BART POLICE DEPARTMENT

B [REDACTED] O [REDACTED] (Witness)

On 01/05/08 at about 1305 hours, I received a telephone call from B [REDACTED] O [REDACTED] via the Criminal Investigation main telephone line. O [REDACTED] stated he saw the incident at the Fruitvale BART Station and was calling to state what he saw. I informed O [REDACTED] that I would be recording his statement. O [REDACTED] said he was fine with that. O [REDACTED] told me the following:

He was on the train coming from the Embarcadero heading to Pleasanton. O [REDACTED] was with his girlfriend and her sister, whom he said did not witness the incident. He told me he had consumed about four alcoholic beverages that night.

When the train pulled up to the Fruitvale BART Station, he noticed police officers standing on the platform waiting. He initially saw three officers on the platform. O [REDACTED] told me he was standing in the doorway entrance on a train car about 20 to 30 feet from the incident. He said he had a clear view and was looking directly out of the opened train car doors. The officers began to pull several males (7 or 8) off the train. As the officers were trying to detain the males, three males came onto the train that he was on. Two of the males went to his right and one male went to his left. According to O [REDACTED] the males who went to his right were trying to hide in the far corner. The male that went to his left, took off trying to hop trains. After the police had detained

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/05/08, 1736 hr

APPROVED BY:

AFJ 471-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242 PC/ 148(a) (1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Tony	4. ADDRESS 800 Madison Street, Oakland, Ca. 94607	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

everyone against the concrete wall, one of the police officer came back to the train. The officer said out loud for the male to come off the train, to show himself, and stated he was giving him an opportunity. After a few minutes of silence, nothing happened. The officer came on the train, grabbed the male, and pulled him off the train. As he pulled him off, the officer threw him up against the concrete wall. The male started trying to fight back a little bit. The officer got the suspect to the ground and handcuffed him. One of the suspects that was previously detained came off the wall approaching the female officer that was on scene. After the initial officer finished handcuffing the guy he took off the train, he went to grab another guy that was on the wall, and tried to handcuff him. This caused a scuffle, everyone on the BART train started getting a little ancy, talkative, getting off the train, and started standing in the way of the doors.

From that point a lot of stuff was going on. He stated he didn't actually see the shooting, but heard the gunshot. He believed it was a beanbag noise, because the sound was muffled. O [REDACTED] stated after hearing the shot he stepped back.

O [REDACTED] stated that there was no commotion or fights on his train car prior to the police officer entering the train. It appeared that the three males that O [REDACTED] saw enter his train had gotten away from the main group that the officers were detaining.

O [REDACTED] said the demeanor of the crowd changed when the officer entered the train to off board the suspect. After the officer threw the suspect against the wall, O [REDACTED] said he noticed several individuals standing in the doorway of the train. O [REDACTED] said he specifically remembers hearing one guy say, "We should do something. That's not right. That's excessive force!" A few people got off the train and started walking towards the incident. About five or six people started yelling and approaching the officers.

CONTROLLED DOCUMENT
DATE / TIME PREPARED
FEB 23 2013
RELEASED TO: SB/42
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S) A. McNack 460	RECORDING OFFICER A. McNack	DATE / TIME PREPARED 01/05/08, 1736 hr	APPROVED BY:
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:	

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Tony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

After the officer had detained the guy that was on the train, he could see the males on the wall start walking towards a female officer. he could see them pointing their fingers and cursing at her. The female officer stepped back. O [REDACTED] lost sight of the female officer and started looking at an officer who grabbed a guy by his throat and threw him on the ground. The officer got on top of the guy and tried to handcuff him.

O [REDACTED] told me that the officer came into a hostile situation on the train where there were a lot of people. He acknowledged there were a lot of intoxicated people because it was New Year's Eve. O [REDACTED] thought the situation was handled well until the point of the gunshot.

O [REDACTED] told me that he believes the suspect that went to his left was taken off a different train car by the officers. He also stated that the third suspect that was not detained by the officers had walked off the train after the scuffle started. The suspect walked off the train and bumped into a guy and started cursing at the guy and appeared to be very aggressive.

O [REDACTED] stated he saw one officer with his taser out, both hands on it, and away from his body. It appeared the taser had already been shot.

O [REDACTED] said his view was partially blocked by people standing in his way. He last remember seeing the officers scuffling with three suspects on the ground. They had two guys cuffed and was trying to cuff another guy. O [REDACTED] stated he could not hear what the officers or suspects were saying during the incident.

O [REDACTED] statement was downloaded and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED DOCUMENT

FEB 23 2019

RELEASED TO: SB142-1
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/05/08, 1736 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Tony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Officer Jonathan Guerra #508

On 01/05/08 at about 1608 hours, Detective Maes #420 and I conducted a follow-up interview with Officer Guerra. Lieutenant F. Lucarelli sat in on the interview as an observer. Guerra told us the following:

He was responded to the incident as a solo officer (1B11) from the Lake Merritt BART Station. Upon arriving at Fruitvale BART Station, Guerra stated he ran up the stairs to the platform with his baton in hand. He normally runs up stairs with his baton in his hand to keep the baton from striking his knees. Guerra stated he re-holstered his baton when he arrived on the platform and saw four males detained. It appeared the people involved had been detained and there was no need for him to have his baton out.

He observed one male restrained (black/ Hispanic male with dreadlocks) laying on his back with his hands behind him. Guerra stated Pirone, Domenici, Woffinden, and Mehserle were on scene when he arrived. Guerra did not recall exactly where the officer's were standing due to confusion on the platform. Guerra stated the scene was chaotic with all the yelling, screaming, and people on the platform. There were four males seated on the ground against the wall. Guerra stated he assisted in detaining them by standing in front of them as a uniformed presence. None of the four suspects were handcuffed. Pirone came up from his left and pointed to two of the males out of the four seated. Pirone stated, "These two are under arrest". Guerra did not recall if Pirone stated the reason they were under arrest. Guerra said his thoughts were that Pirone had talked to a witness or a victim on the train and they had identified the two as being involved in a fight. He described the first male as light skinned black male or Hispanic male, heavy set, wearing a dark colored shirt. The second male was later identified as Grant. At that point, Guerra had his handcuffs out. He said Mehserle and himself attempted to

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/05/08, 1736 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242 PC/ 148(a) (1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Tony	4. ADDRESS 800 Madison Street, Oakland, Ca. 94607	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

handcuff the first male. Guerra stated the suspect tried to stand up when they tried to get his arms to put handcuffs on him. The suspect stood up at some point after Pirone stated he was under arrest. Guerra said Mehserle threatened to use his taser if the suspect did not sit back down. Guerra stated he knows that Mehserle made mention of the taser, however through all the confusion he is not sure if Mehserle had his taser out. The male sat back down on the ground and continued to resist. Guerra said he leaned down to the suspect and told him to just put his hands behind his back, they were going to restrain him with handcuffs. He turned his body while seated on the ground and put his hands behind his back. Guerra recalled the suspect was restrained with his handcuffs. Guerra stated he did not see the contact that Pirone and Mehserle had with Grant. His attention was turned away from them while he checked the handcuffs to make sure they were placed on properly and double locked. There was more shouting and Guerra said he was distracted by the crowd. It appeared there were more people now in the crowd, and the crowd was advancing towards them. Guerra said it appeared that the crowd was reacting to them placing the suspect into handcuffs. Officer Knudtson and Officer Flores showed up. He remembers seeing an officer in an altercation with another male, unknown which officer.

After handcuffing the male, Guerra stated he believed he got on the radio and informed dispatch to release the train. Guerra stated he feared the commotion was very distracting to them trying to control the situation. Guerra said the commotion was causing a higher level of stress for himself.

After hearing the pop noise, Guerra said he did not hear Pirone, or Grant say anything. Guerra said Mehserle said something, however he could not make out what he said. He said Mehserle seemed excited and disoriented. There appeared to be some confusion when he turned around and looked at Mehserle and Pirone. Mehserle had a confused expression on

REPORTING OFFICER(S) A. McNack 460	RECORDING OFFICER A. McNack	DATE / TIME PREPARED 01/05/08, 1736 hr	APPROVED BY:
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:	

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242 PC/ 148(a) (1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery/ Resisting Arrest	5. PHONE 510-464-6000
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Tony	4. ADDRESS 800 Madison Street, Oakland, Ca. 94607	

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his face. He did not hear or see Pirone say anything. He saw Mehserle with his firearm out and saw him re-holster his firearm.

Guerra said his attention was drawn back to Grant. He states he saw blood on Grant's back and realized he had been shot.

Guerra said he did not say anything to Mehserle, or hear anyone else speak. Guerra stated he was about three feet from the incident. At that time, Guerra said he made a second request to dispatch to have the train leave the platform.

Guerra said he ran downstairs to get his trauma kit from his vehicle. When he arrived back up the stairs his focus was getting back to Grant and placing a compress on him. He does not recall what the other officers were doing. According to Guerra, Grant was laying with his stomach and chest on the ground, his head turn to his left (facing BART north), and his body was straight. Guerra said at some point while performing first aid he realized Grant's hands were in handcuffs. At what point Grant was handcuff is unknown to Guerra. Guerra stated Grant never said anything to him.

Guerra has never had any contact with the suspects prior to the incident.

During the re-interview I showed Guerra a schematic photo of the Fruitvale BART Station's platform. After he identified the area on the platform where the incident took place, I showed him a blown up photo of the area. I asked Guerra to place each officer and suspect in the area he remembers them being in. I had Guerra initial and date each photo. The photos along with a legend were placed into evidence locker #1 in the Lake Merritt Police Evidence Room. All references are approximations. Guerra used the following letters and numbers to identify each individual:

CONTROLLED DOCUMENT
SUPERVISOR'S SIGNATURE
CONTROLLED BY LAW

FEB 26 2013

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S) A. McNack 460	RECORDING OFFICER A. McNack	DATE / TIME PREPARED 01/05/08, 1736 hr	APPROVED BY:
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> OTHER:	<input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:	

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/08, 1737

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

 BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC/ 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Tony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

 PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

G - Guerra	S1 - Grant
P - Pirone (South)	S2 - Suspect Guerra helped handcuff
M - Mehserle (behind Guerra)	S3 - Prior handcuffed suspect
W - Woffinden	S4 - Unknown
D - Domenici	S5 - Unknown
K - Knudtson	
F - Flores (Unknown location)	

Guerra's statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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 BART POLICE DEPARTMENT
 CONFIDENTIAL

REPORTING OFFICER(S)

A. McNack 460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/05/08, 1736 hr

APPROVED BY:

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

LEGEND FOR PHOTO 'B'

* All references are approximations*

Officers

G = Guerra

P = Pirone (South)

M = Mehserle (behind Guerra)

W = Woffinden

D = Domenici

K = Knudtson

F = Flores (Unknown location)

Suspects

S1 = Grant

S2 = Suspect Guerra Helped Handcuff

S3 = Prior Handcuffed Suspect

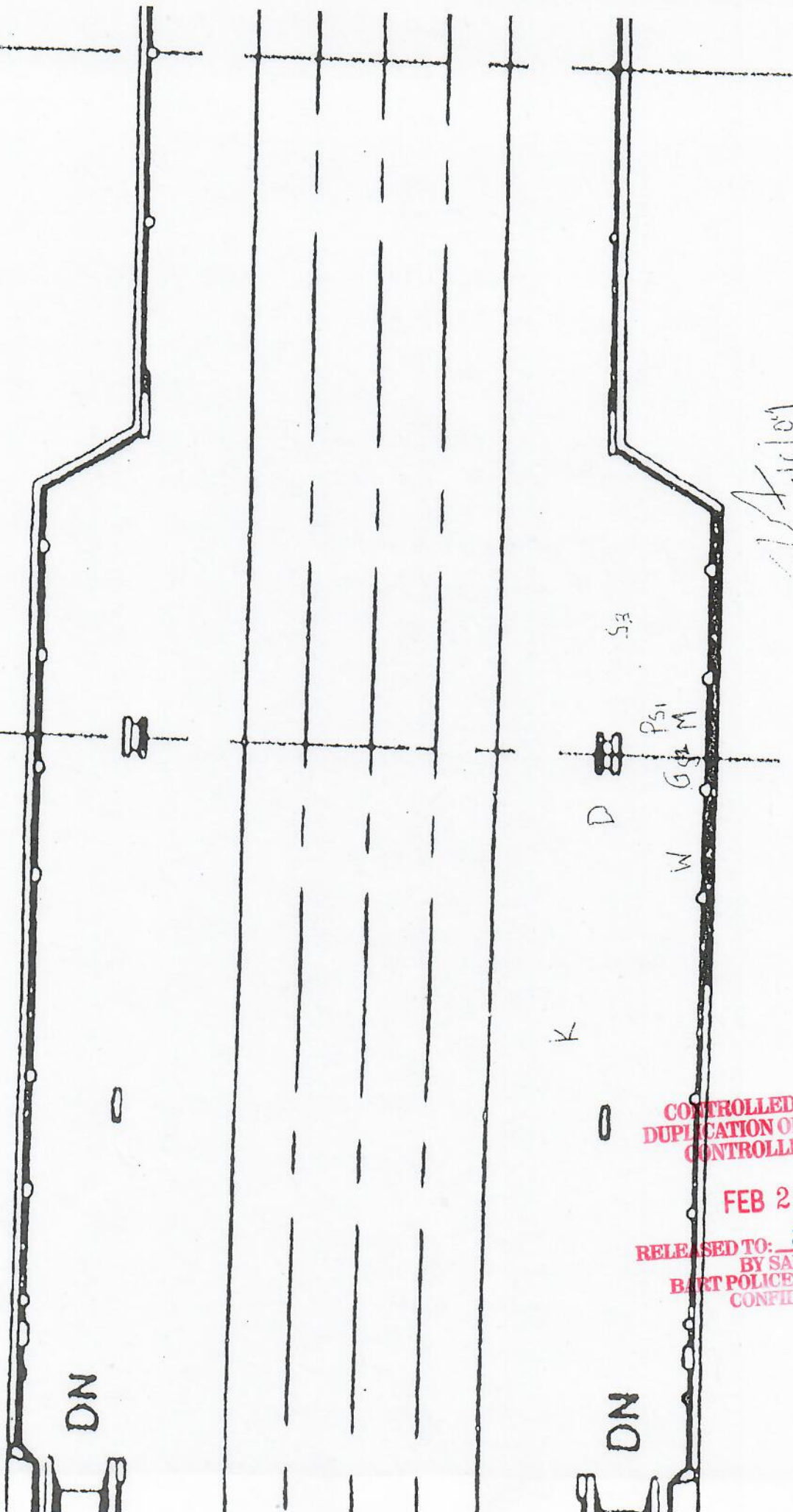
S4 = Unknown

S5 = Unknown

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**



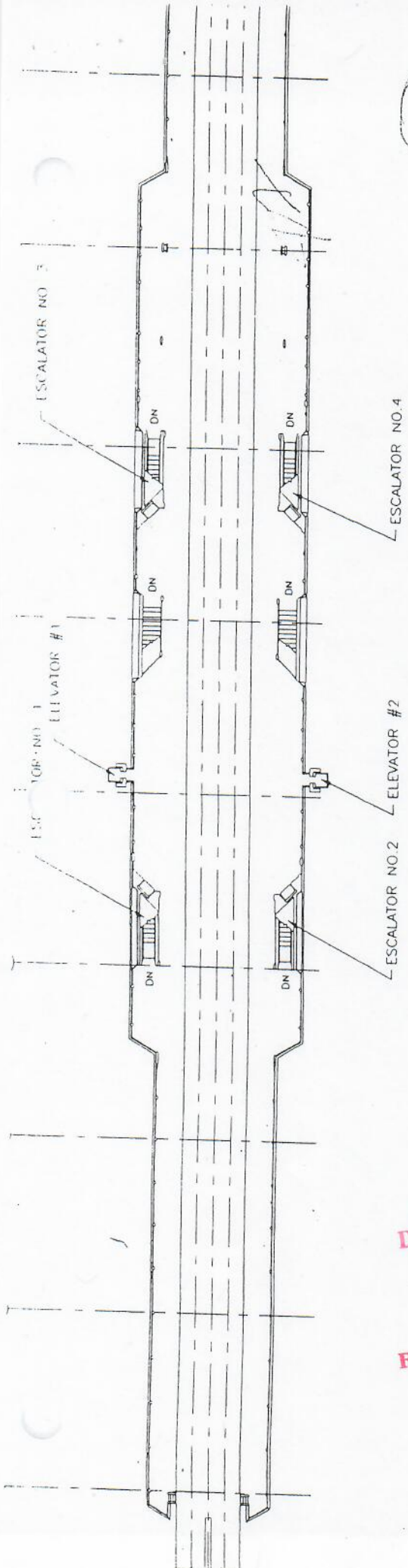
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4/15/01

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
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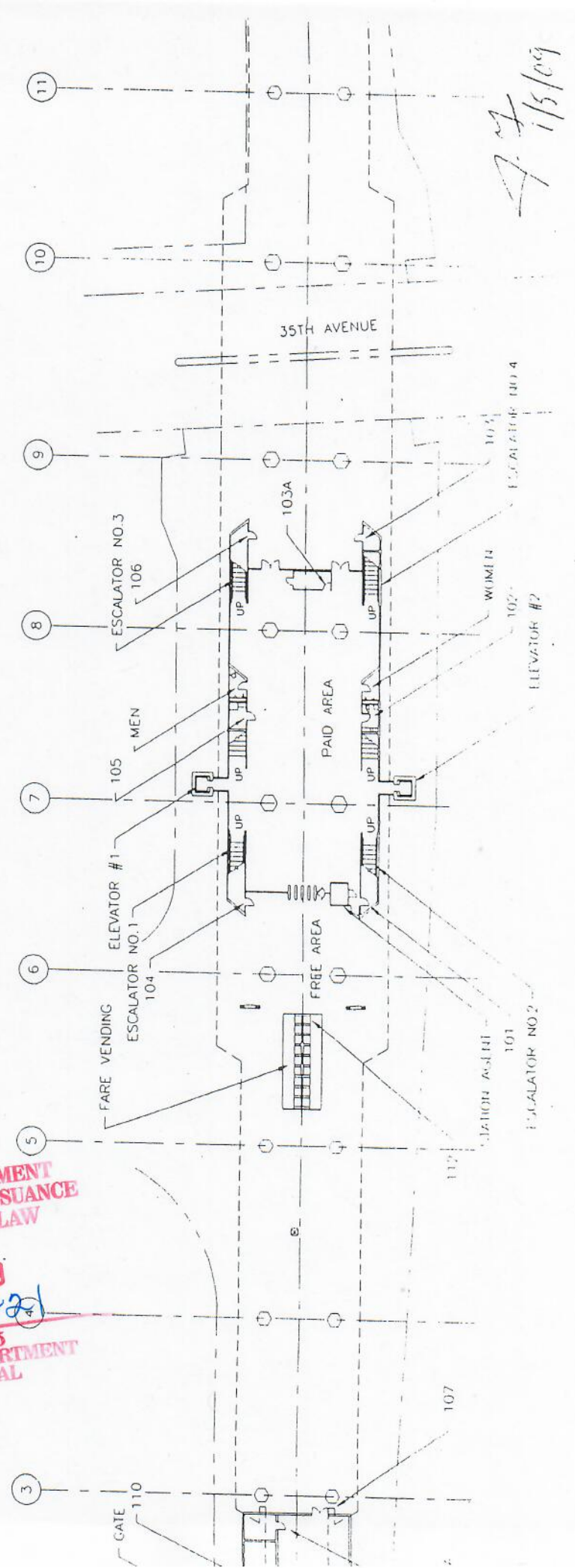
A 7.7



PLATFORM LEVEL PLAN

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019
 RELEASED TO: SP 1421
 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL



<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/08/09, 1603 hrs
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Tony		4. ADDRESS 800 Madison St., Oakland, Ca. 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
DETECTIVE SUPPLEMENT: <p>On 01/07/09 at about 1425 hours, I attempted to contact American Medical Response (AMR) via telephone. I was interested in obtaining the names of the Paramedics that responded to the scene of the incident. I talked to Supervisor F [REDACTED] A [REDACTED] who told me L [REDACTED] A [REDACTED] and S [REDACTED] M [REDACTED] were the Paramedics who responded to the call. A [REDACTED] informed me that he would have both Paramedics give me a telephone.</p> <p>On 01/08/09 at about 0658 hours, I contacted on-duty supervisor R [REDACTED] A [REDACTED], regarding A [REDACTED] and M [REDACTED]. A [REDACTED] transferred me to A [REDACTED]. A [REDACTED] told me he talked to M [REDACTED] on 01/07/09 and she stated she left me a voicemail message. I informed A [REDACTED] that I had not received a message from M [REDACTED]. A [REDACTED] said he had not heard from A [REDACTED] and figured he was on vacation. A [REDACTED] assured me that he would contact both Paramedics again and request they call me.</p> <p>I [REDACTED] 'I [REDACTED] A [REDACTED] (Paramedic-[REDACTED])</p> <p>[REDACTED]</p> <p>On 01/08/09 at about 1527 hours, I talked to A [REDACTED] via telephone. He called me and stated he was one of the Paramedics that responded to the scene. A [REDACTED] said he was at Highland Hospital with his partner, Sherry M [REDACTED], when they received the initial call. Their Paramedic unit number was 505. They received a dispatched call for a unit to respond to the</p>				
REPORTING OFFICER(S) A. McNack 460		RECORDING OFFICER A. McNack 460		DATE / TIME PREPARED 01/08/09, 1603 hr
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS47 1-11-09 COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

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 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
 BY SAP J-265
 BART POLICE DEPARTMENT
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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin: 0;">POLICE REPORT</h1> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/08/09, 1603 hrs
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Tony		4. ADDRESS 800 Madison St., Oakland, Ca. 94607		5. PHONE 510-464-6000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>Fruitvale BART Station. A [REDACTED] told me the following:</p> <p>When they arrived at the Fruitvale BART Station, there were several BART Police Officers still arriving code '3' (unknown who). A [REDACTED] said he saw a male being arrested and screaming loud. There was a lot of commotion, a lot of people screaming, and several BART Police Officers. A [REDACTED] said they were directed to go upstairs for a gunshot wound victim. Upon arriving on the platform, A [REDACTED] stated they found a young man (later identified as Grant) lying on his back in a supine position. The Fire Department was assisting Grant with his ventilation with an ambu bag. Grant had a single gunshot wound to the right side of his chest, he was having trouble breathing, fast heart rate, and low blood pressure according to the Fire Department. A [REDACTED] said he recognized that Grant was in immediate danger and proceeded to prepare Grant for transportation. He stated when he saw Grant, there were no handcuffs on him. While enroute to Highland Hospital, A [REDACTED] stated they continued to give Grant medical attention. According to A [REDACTED] Grant did not speak or say anything while in the ambulance. However Grant did start screaming when they were decompressing his chest. A [REDACTED] stated he does not know what Grant was saying. When they arrived as Highland, Grant was transferred to the Trauma Team.</p> <p>A [REDACTED] said he does not recall who was on the platform. He stated his concentration was on the patient's care. He did not talk to any of the Officers on scene. He did not hear any of the Officers make any statements. Upon arriving on the platform, the Fire Department was assisting Grant. All A [REDACTED] recalls is a camera person on scene and people screaming. A [REDACTED] doesn't remember how many people were screaming or if anyone on the platform was handcuffed.</p> <p>A [REDACTED] statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.</p>				
REPORTING OFFICER(S) A. McNack 460		RECORDING OFFICER A. McNack 460	DATE / TIME PREPARED 01/08/09, 1603 hr	APPROVED BY: AF 347 1-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/08/09, 1603 hrs	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242 PC, 148(a)(1) PC		Battery, Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Pirone, Tony		800 Madison St., Oakland, Ca. 94607		510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>On 01/09/09 at about 1000 hours, I contacted Deputy Chief J [REDACTED] W [REDACTED] (Oakland Fire Department [REDACTED]), via telephone. I inquired about the Oakland Fire Department's personnel that responded to the scene. Chief W [REDACTED] informed me that he would review the scheduling log and find out who was working that night. Chief W [REDACTED] said he would call me once he confirmed who was working that night.</p> <p>S [REDACTED] M [REDACTED] (Paramedic)</p> <p style="text-align: right; color: red; font-weight: bold;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: SB1421 BY SAP J-265 BART POLICE DEPARTMENT </p> <p>At about 1355 hours, I talked to M [REDACTED] via telephone. M [REDACTED] was one of the Paramedics that responded to the incident at the Fruitvale BART Station. M [REDACTED] stated her partner was L [REDACTED] A [REDACTED]. M [REDACTED] told me the following:</p> <p>M [REDACTED] stated they were dispatched to the Fruitvale BART Station regarding a shooting. They responded code '3' from Highland Hospital. Upon arrival, M [REDACTED] said they took all the equipment they would need and went up to the platform. M [REDACTED] stated they were not escorted to the platform, an officer (unknown who) told them where the scene was. M [REDACTED] believes the officer worked for BART Police. She told me that there were a few officers downstairs, however she is unsure whether they were BART Police.</p> <p>When they arrived on the platform, they went over to the victim. Oakland Police, along with Oakland Fire Department was attending to the victim. M [REDACTED] said she saw BART Police Officers and several citizens on</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
A. McNack 460		A. McNack 460		01/08/09, 1603 hr	
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			
				APPROVED BY: AF 8471-11-09	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01/08/09, 1603 hrs
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting Arrest		
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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>the platform. M [REDACTED] doesn't recall how many BART Police Officers she saw or what they were doing. M [REDACTED] told me she remembers a few people sitting down and a few people standing. She could not tell me if the citizens were handcuffed.</p> <p>M [REDACTED] said Oakland Fire gave them a short summary of what was going on. Grant was in critical condition so they had to move quick.</p> <p>M [REDACTED] told me she did not hear any of the officers or citizens saying anything. She said there were a lot of people yelling and screaming when she was coming into the station and while on the platform. She can not recall what they were saying.</p> <p>M [REDACTED] stated her primary job was to get the victim back boarded. She stated A [REDACTED] was responsible for the primary care of Grant. According to M [REDACTED] she only saw Grant from his feet up to his torso/hip area. M [REDACTED] said she was never able to get any further up because they had Firefighters taking care of his airway and top part of his body. M [REDACTED] stated she only helped strap Grant to the backboard, carry him, and transfer him into the ambulance. Then she worked on his feet, legs, and hip. M [REDACTED] informed me that A [REDACTED] rode in the back of the Ambulance with a BART Police Officer and Grant.</p> <p>M [REDACTED] told me she did not hear Grant make any statements. Once she arrived at Highland Hospital, M [REDACTED] said she helped pull Grant out of the ambulance, roll him into the Emergency Room, and transfer him onto a hospital gurney. M [REDACTED] stated she did not know what condition he was in when they left him at Highland Hospital.</p> <p>M [REDACTED] recorded statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.</p>				
<div style="color: red; font-weight: bold; transform: rotate(-5deg);"> CONTROLLED DOCUMENT NO DUPLICATION OR REISSUANCE CONTROLLED BY LAW </div> <div style="color: red; font-weight: bold; margin-top: 10px;"> FEB 23 2019 RELEASED TO: SB1421 BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>				
REPORTING OFFICER(S) A. McNack 460		RECORDING OFFICER A. McNack 460	DATE / TIME PREPARED 01/08/09, 1603 hr	APPROVED BY: AFS47 1-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective Supplement 1, 2, and 3

NARRATIVE

Detective Supplement #1:

On 01/01/09 at about 0925, Detective Enriquez #456 and I attempted to interview an involved employee. At about 1003 hours, Detective Enriquez and I interviewed Officer Tony Pirone. At about 1237 hours, I interviewed (W) T [REDACTED] F [REDACTED] via telephone. At about 1251 hours, I interviewed (W) M [REDACTED] B [REDACTED] F [REDACTED] via telephone.

On 01/02/09 at about 0830 hours, I interviewed Train Operator K [REDACTED] W [REDACTED] at the Daly City Yard.

At about 0945 hours, I requested a copy of the recorded call from W [REDACTED] to Central. I received a copy of the recording via my BART email address. At about 1130 hours, I interviewed (W) B [REDACTED] O [REDACTED] via telephone. Please see scanned document for further.

Supplement #2:

On 01/05/08 at about 1305 hours, I interviewed (W) B [REDACTED] [REDACTED] via telephone. At about 1608 hours, I conducted a follow-up interview with Officer Jonathan Guerra #508. Please see scanned document for further.

Supplement #3:

On 01/07/09 at about 1425 hours, I attempted to contact the Paramedic's who responded to the scene, with negative results. On 01/08/09 at about 1527 hours, I interviewed L [REDACTED] A [REDACTED] (Paramedic) via telephone. On 01/09/09 at about 1000 hours, I contacted Deputy Chief J [REDACTED] W [REDACTED] (Oakland Fire Department), via telephone, to obtain a list of personnel that responded to the scene. W [REDACTED] stated he would call me back after he reviewed the staffing for the night of 01/01/09. At about 1355 hours, I interviewed S [REDACTED] M [REDACTED] (Paramedic) via telephone. Please see scanned document for further.

* All statements were downloaded onto a compact disc and placed into evidence *

ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER A. McNack 57744		DATE/TIME 01/11/2009 16:43	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/11/09
OFFICER		UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
 INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Detective Supplement:

On 01/12/09 at about 0810 hours, Oakland Fire Department Deputy Chief J [REDACTED] W [REDACTED] contacted me via telephone. Chief W [REDACTED] told me the following employees responded to the call at the Fruitvale BART Station on 01/01/09: Lieutenant H [REDACTED], G [REDACTED], T [REDACTED], A [REDACTED] and J [REDACTED] W [REDACTED]. Chief W [REDACTED] gave me the Oakland Fire Station that each individual was working at and the telephone numbers. Chief W [REDACTED] informed me that H [REDACTED], F [REDACTED] and A [REDACTED] were all available on today's date (01/12/09), W [REDACTED] would not be available until 01/13/09.

T [REDACTED] E [REDACTED] A [REDACTED] #50 (Paramedic/ Firefighter O.F.D.)
 3344 High Street (Station 17)
 Oakland, Ca. 94605

(W)

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
 BY SAP J-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

At about 0940 hours, I contacted T [REDACTED] A [REDACTED] via telephone. We made arrangements for me to come to Oakland Fire Station 17 and obtain a statement. I met with A [REDACTED] and Captain L [REDACTED] A [REDACTED] at about 0957 hours, he told me the following:

He works for the Oakland Fire Department as a Paramedic/ Firefighter. On the incident day he was working at Station 4 (1235 E.14th Street, Oakland, Ca.) with J [REDACTED] W [REDACTED] S [REDACTED] H [REDACTED] and G [REDACTED] F [REDACTED]. A [REDACTED] told me they received a callout for medical via the Oakland Fire Department dispatch. A [REDACTED] said they were only told there was a shooting at the BART Station. A [REDACTED] said they responded to the scene Code 3. A [REDACTED] informed me that to his knowledge they did not receive any updates while enroute to the scene.

A [REDACTED] told me upon their arrival, there were a few people downstairs

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AF847-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

but the BART Station was not very populated. When they arrived upstairs on the platform, A█████ stated he heard a lot of shouting. A█████ observed several BART Officers on scene. He saw two people on the ground in hand cuffs, and one person being led downstairs in handcuffs. A█████ said a BART Police Officer pointed in the direction of the victim and stated, "There's your patient over there". A█████ said that's all the information they were given. According to A█████, there were two officers standing next to Grant. A█████ told me while on scene he never learned that the incident was an officer-involved shooting.

A█████ was unable to state how many officers he saw on scene. He told me that there were more BART Officers then he has ever seen together. A█████ stated that he did not hear any of the officers or people at the scene make any statements.

A█████ stated he observed the following: Grant was lying in a prone position with his head to the side. A small amount of blood was coming from Grant's mouth. Grant's shirt was pulled up with a large trauma patch placed on his back. Grant's hands were to his side. Grant was slightly breathing. A█████ said he saw a possible entry hole on Grant's back (right side about mid-back). Once Grant was turned over, A█████ said he saw a metal object on Grant's upper chest. The object looked like a nickel that was implanted in Grant's broken skin.

A█████ told me and explained to me the medical treatment he provided to Grant, until they arrived at the hospital. A█████ said Grant was moaning initially, however by the time they placed Grant into the ambulance he was not making any sounds. Upon arriving at Highland, A█████ said Grant was talking to the Emergency Response Doctors. A█████ told me he did not hear what Grant was saying.

A█████ informed me that his primary function when called to a scene is medical care for the patient.

A█████ statement was downloaded onto a compact disc and placed into

REPORTING OFFICER(S) A. McNack #460	RECORDING OFFICER A. McNack	DATE / TIME PREPARED 01/12/09, 1037 hr	APPROVED BY: AF 847 1-15-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:	

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DUPLICATION OR REISSUANCE
NOT ALLOWED BY LAW
FEB 10 2010
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BY SA J-235
BART POLICE DEPARTMENT
CONFIDENTIAL

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

evidence locker #1 in the Lake Merritt Police Evidence Room.

At about 1025 hours, I contacted Oakland Fire Department Lieutenant S [REDACTED] H [REDACTED] via telephone. I informed H [REDACTED] I needed to take a statement from him regarding the incident at the Fruitvale BART Station on 01/01/09. I also asked whether G [REDACTED] F [REDACTED] was in. H [REDACTED] told me F [REDACTED] was at a training class until the afternoon. We agreed to meet at about 1330 hours, that way I could interview F [REDACTED] after I talked to H [REDACTED].

S [REDACTED] G [REDACTED] H [REDACTED] #7 (Lieutenant O.F.D.)

1235 International Blvd. (Station 4)

Oakland, Ca. 94606

(W)

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
POLICE DEPARTMENT

At about 1326 hours, I met with Lieutenant H [REDACTED] at Oakland Fire Station 4. H [REDACTED] told me on 01/01/08, he was working with T [REDACTED] A [REDACTED] (Medic), J [REDACTED] W [REDACTED] (Engineer), and G [REDACTED] F [REDACTED] (Firefighter). H [REDACTED] said they received the incident call through their normal means: dispatch printout, call by dispatch, and an alarm. The details of the call was a shooting at BART, the scene was secure, and BART Police was on scene. H [REDACTED] told me they responded 'code 3' in Engine #2544 from Station 4 (1235 International Blvd., Oakland, Ca.). According to H [REDACTED], normally Station 13 would have responded to the scene. Station 13 was dealing with a fire, therefore they responded.

Upon arrival, H [REDACTED] said he heard people speaking loudly, but was unable to hear what they were saying. Before entering the station H [REDACTED] stated he saw a few people (10-12), a person at the ticket booth, and a maintenance person. H [REDACTED] said he walked ahead of his crew because they

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AFS 47 1-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

1. CODE SECTION(S)

242 PC, 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

were getting needed equipment. A BART Police Officer informed him there was one victim on platform 1.

While enroute to the platform via the stairs, H [REDACTED] stated he heard some loud voices. When he reached the top of the stairs he saw about five BART Police Officers and 2-3 people who appeared to be handcuffed and restrained. H [REDACTED] stated he talked to an Officer and asked how many victims. The officer pointed over to a person laying face down mid area of the platform and stated, "One victim". H [REDACTED] said he went over to the person (later identified as Grant) laying face down, Grant appeared to be semi-conscious and breathing. When his crew reached the top of the stairs, H [REDACTED] waved them over and pointed to Grant. After his crew started treating Grant, H [REDACTED] stated he looked around for scene safety and saw a black or Hispanic male with long hair being very loud and very vocal. H [REDACTED] stated there were two officers with the male. H [REDACTED] advised me he walked over to the male and asked him several times to please stop yelling so they could work on Grant. The male complied for a few minutes, then he went back to being very loud.

H [REDACTED] told me there were about five BART Police Officers on the platform. H [REDACTED] did not know the incident was an Officer-Involved Shooting. H [REDACTED] found out later when he saw a BART Police Officer at Highland Hospital. H [REDACTED] informed me that he was not sure if an Officer was attending to Grant when he arrived. H [REDACTED] stated he did not hear any of the officers make any statements or any conversation they may have had. The only interaction H [REDACTED] said he had with the officers were to give them identification for Grant.

H [REDACTED] advised me he observed the following regarding Grant: A perforation which appeared to be a gunshot wound on the mid-back area to the right of the spine. H [REDACTED] said he did not see Grant's front area. According to H [REDACTED], he saw the Oakland Fire personnel talking to Grant. Grant appeared to be receiving what was being said and responding to it.

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AF 847 1-15-09

DISPOSITION:

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POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

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H [REDACTED] stated he did not hear Grant say anything.

H [REDACTED] informed me that he participated in medical treatment given to Grant. H [REDACTED] said he cut Grant's pants off in preparation for trauma center activation, upon arrival at Highland Hospital.

H [REDACTED] stated his primary function is to supervise, look out for scene safety, make sure OFD policy is carried out appropriately, and document.

H [REDACTED] told me he later went to Highland to pick up two members of his crew. While there he saw Grant again. H [REDACTED] stated he thought he heard the medical staff talking to Grant, however H [REDACTED] couldn't hear what they were saying. Nothing further.

H [REDACTED] statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.

G [REDACTED] T [REDACTED] F [REDACTED] #506 (Firefighter O.F.D.)
1235 International Blvd. (Station 4)
Oakland, Ca. 94606

(W)

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

On 01/12/09 at about 1343 hours, I met with F [REDACTED] at Oakland Fire Station 4. F [REDACTED] told me the following:

On 01/01/09, he was working with Lt. S [REDACTED] H [REDACTED] J [REDACTED] W [REDACTED] (Engineer), and T [REDACTED] A [REDACTED] (Paramedic). They responded to the incident call from the Oakland Fire Station 4. F [REDACTED] told me the details of the call was: a gunshot wound at the Fruitvale BART Station. F [REDACTED] stated he received the call via a bell located at the fire house. The bell signals that the fire engine is going out, then he moves to his job on the engine. They responded to the incident 'Code 3'.

Upon arriving at the Fruitvale BART Station, F [REDACTED] said it was

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AFS47 1-15-09

DISPOSITION:

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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typical, nothing seemed out of place. F█████ stated they were greeted by a BART Officer who directed them upstairs. As they were going up the stairs, F█████ said there was a cameraman walking with them.

Once on the platform, F█████ told me he saw about four to five officers, a couple of individuals sitting with their hands behind their back, and one patient laying face down. F█████ said he remembers passing one officer as they came up to the platform. He saw two more officers over near the patient, and one or two officers were with the individuals whose backs were up against wall. F█████ said he could not tell whether the individuals up against the wall were handcuffed or not. F█████ said he did not see the officers near the victim doing anything.

F█████ stated he did not hear any of the officers make any statements. F█████ said he heard individuals saying different stuff and being loud. F█████ said his focus was on Grant. F█████ told me he only heard one individual stating he wanted Oakland Police Department to help him.

F█████ advised he observed the following regarding Grant: He had an abdominal dressing over the wound on his back. They pulled the dressing back and saw a small bullet hole (mid-line, lower back) the size of a pinky (small finger). When Grant was rolled over, they saw an exit wound above the right chest. The bullet appeared to be in the exit wound, flattened out. Grant's eyes were open and he was responding to being moved around. Grant's pulse rate was about 156. F█████ said Grant was responsive when he touched him and rubbed him, his eyes would shift.

F█████ said when he used Oscar's name, Oscar would look at him. F█████ said Oscar wasn't able to speak but he was able to look at him. F█████ said Oscar never made any sounds to him.

F█████ told me his primary job as a Firefighter is safety for himself and others, and to support the paramedic in treatment to patient.

F█████ wanted me to know he was surprised to find out Grant did not

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AF 547 1-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/09, 1037 hrs.

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/ Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland, Ca. 94607

5. PHONE

510-464-6000

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make it. He felt Grant was responding to the treatment they provided. F [REDACTED] stated he thought Grant was in good shape when they left him at Highland Hospital.

F [REDACTED] statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.

J [REDACTED] C [REDACTED] W [REDACTED] #7 (Engineer, O.F.D.)

1700 50th Avenue (Station 18)

Oakland, Ca. 94601

(W)

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
 via DEPARTMENT

On 01/13/09 at about 0808 hours, I contacted W [REDACTED] telephone. We made arrangements for me to come to Oakland Fire Station 18 and obtain a statement. I met with W [REDACTED] at about 1329 hours, he told me the following:

He works for the City of Oakland Fire Department as an Engineer of Fire. W [REDACTED] stated he was working with Lt. S [REDACTED] H [REDACTED], Firefighter Paramedic T [REDACTED] A [REDACTED], and Firefighter G [REDACTED] F [REDACTED] on the incident date. W [REDACTED] said they received the incident call via Oakland Fire Department dispatch. The details stated there was a gunshot victim on the BART platform at the Fruitvale BART Station. According to W [REDACTED] they responded 'code 3' from Oakland Fire Station 4 (1235 International Blvd., Oakland, Ca.).

Upon arriving at the Fruitvale BART Station, W [REDACTED] told me it was relatively calm downstairs, nothing unusual. W [REDACTED] informed me that they were escorted upstairs to the platform by a BART Police Officer. Once on the platform, W [REDACTED] stated the scene was chaotic. There were males that were being detained on the platform and they were screaming and yelling. There was also a cameraman that was being escorted

REPORTING OFFICER(S)

A. McNack #460

RECORDING OFFICER

A. McNack

DATE / TIME PREPARED

01/12/09, 1037 hr

APPROVED BY:

AF 8471-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/12/09, 1037 hrs.	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242 PC, 148(a)(1) PC		Battery/ Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Pirone, Anthony		800 Madison Street, Oakland, Ca. 94607		510-464-6000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>downstairs by an officer. W [REDACTED] stated the camera man did not arrive with them, he went up the stairs just ahead of them by himself, unescorted. W [REDACTED] does not remember how many officers were on scene, he guessed about three or more officers were on the platform.</p> <p>W [REDACTED] did not hear what the individuals were screaming and yelling. He believes someone was saying, "Get O.P.D.". W [REDACTED] stated he remembers one officer talking to Grant. The officer was saying, "Stay with us Oscar, you have a daughter to live for". W [REDACTED] said he did not hear any of the Officers or the detainees make any statements. W [REDACTED] told me that the male that was doing most of the screaming was handcuffed, however he could not describe the male.</p> <p>W [REDACTED] stated he observed the following: Grant's eyes were lazily open, but he was not responding verbally. He was semi-conscious and had labored breathing. It appeared there was one gunshot wound to his back. There was an exit wound with a bullet visible from the front of his chest.</p> <p>W [REDACTED] told me he assisted the paramedic with medical care. As an Engineer, W [REDACTED] said his primary job is to drive the fire engine safely to the incident location, once at the incident he said he acts as a supportive role to the paramedic.</p> <p>W [REDACTED] informed me that he never heard Grant make any statements while on the platform or at the hospital. Nothing further.</p> <p>W [REDACTED] statement was downloaded onto a compact disc and placed into evidence locker #1 in the Lake Merritt Police Evidence Room.</p>					
<div style="color: red; font-weight: bold;"> CONTROLLED DOCUMENT DEVIATION OF REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
A. McNack #460		A. McNack		01/12/09, 1037 hr	
APPROVED BY:		AF 8471-15-09			
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective supplement

NARRATIVE

Detective Supplement #4:

On 01/12/09 at about 0957 hours, I obtained a recorded statement from T [REDACTED] A [REDACTED] (Paramedic/ Fire fighter, O.F.D.). At about 1326 hours, I obtained a recorded statement from Lt. S [REDACTED] H [REDACTED] (O.F.D.). At about 1343 hours, I obtained a recorded statement from G [REDACTED] F [REDACTED] (Fire fighter, O.F.D.).

On 01/13/09 at about 1329 hours, I obtained a recorded statement from J [REDACTED] W [REDACTED] Engineer of Fire, O.F.D.).

Please see Page 2 - scanned document.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421

BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

A. McNack 57744

DATE/TIME

01/15/2009 14:58

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/19/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 1 of 6

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

Weather: Cold with a slight wind coming from the south-east to the north-west.

Station lighting: Artificial lighting and working properly.

Narrative:

On 01/01/09, at 0216 hours, I responded to the Fruitvale BART Station regarding a shooting victim on platform 1. While enroute I was informed that the incident was an officer involved shooting and I was being requested for evidence collection at the scene. I also requested Officer Olsen #436 and Officer Maloney #457 to respond for evidence collection. Upon my arrival I meet with Officer Flores #552 who was located at the entrance of the Fruitvale BART Station taking a log of personnel that had entered the scene. The station had been tapped off with yellow caution tape from near the station agents booth south to the back of the station. The caution tape was set up to prevent the entrance to platform 1. I entered the secured area and proceeded to platform 1 where I located Sergeant Alvarez #S30 who directed me toward the south end of the platform. I began a preliminary walk through of platform 1 searching for weapons. After conducting an initial walk through Officer Olsen arrived on scene and began assisting me with the placement of item markers. I then began taking photographs with a Cannon digital camera.

The following is a list of the photographs that where taken:

#1-16: Photographs were already on the camera from a previous incident

#17- Was not taken by me

#18- Platform 1 from the south toward the north

#19- Platform 1 from the south to the north

#20- Platform 1 from the south to the north

#21- Evidence items on platform 1

#22- Evidence items on platform 1

#23- Platform 1 from mid platform from north toward the south

#24- Platform 1 from mid platform from north toward the south

#25- Platform 1 from mid platform from north toward the south

#26- Platform 1 from the north toward south

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 2 of 6

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

- #27- Platform 1 from the south toward north
- #28- Platform 1 from the south toward the north with evidence markers marking the evidence
- #29- Platform 1 from the south toward the north with evidence markers marking the evidence
- #30- Over view of evidence items with markers
- #31- Over view of evidence items with markers
- #32- Over view of evidence items with markers
- #33- Item with marker #1 - Federal .40 Cal S&W
- #34- Item with marker #1
- #35- Item with marker #2 - Hollow plastic piece
- #36- Item with marker #3 - Black/"NOIZ"/3XL jacket
- #37- Item with marker #3
- #38- Item with marker #4 - BART Ticket face down and bent with .50 value
- #39- Item with marker #5 - BART Ticket face down with a \$3.00 value
- #40- Item with marker #6 - Broken cigarette/ Newport brand
- #41- Item with marker #6
- #42- Item with marker #7 - Empty law enforcement trauma shooting kit / Townson brand
- #43- Item with marker #7 close up
- #44- Item with marker #8 - Green latex gloves
- #45- Item with marker #8 - close up
- #46- Item with marker #9 - Metro PCS flip phone red/black
- #47- Item with marker #9
- #48- Item with marker #10 - "AKADEMIKS" brand / black exterior / plaid black/gray interior / 3XL jacket
- #49- Item with marker #10
- #50- Item with marker #11 - "ECKO UNLTD" brand jeans / cut / with black belt with skulls and metal studs
- #51- Item with marker #11
- #52- Item with marker #12 - blood stain on platform
- #53- Close up of blood stain on platform
- #54- Item with marker #13 - 3XL / black short sleeve T-shirt / AL Style brand with hole and a 3XL Haute brand white T-shirt
- #55- Item with marker #13
- #56- Item with marker #14 - metal coffee mug "INTEL" on cup

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019
RELEASED TO: SB 1401
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Narrative Report

Page 3 of 6

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

- #57- Item with marker #14
- #58- Item with marker #15 - XL "NONA-T" brand with blood stain
- #59- Item with marker #14, 15 & 16
- #60- Item with marker #16 - used alcohol pad wrapper
- #61- Item with marker #16
- #62- Item with marker #17 - blue piece of rubber (unknown)
- #63- Item with marker #17 close up
- #64- Over view of evidence with markers
- #65- Item with marker #18 - Johnson & Johnson 2" white tape roll
- #66- Item with marker #18 close up
- #67- Item with marker #19 - Vitamin water / half consumed / perishable contents poured out
- #68- Item with marker #19
- #69- Overview of items with markers 20-25
- #70- Item with marker #20 - "COOGI" brand clothing tag
- #71- Item with marker #20 close up
- #72- Item with marker #21 - Black pick comb
- #73- Item with marker #21 close up
- #74- Item with marker #22 - "COOGI" brand clothing price tag (\$135.00)
- #75- Item with marker #23 - Samsung cell phone battery
- #76- Item with marker #23
- #77- Item with marker #24 - Metro PCS Samsung brand cell phone with no battery
- #78- Item with marker #24 close up
- #79- Item with marker #25 - Call phone back plate Samsung brand black
- #80- Item with marker #25 close up
- #81- Photo from platform 2 of platform 1
- #82- Photo from platform 2 of platform 1
- #83- Photo from platform 2 of platform 1
- #84- Photo from platform 2 of platform 1
- #85- Photo from south toward north of platform 1
- #86- Photo from platform 2 of platform 1
- #87- Photo from platform 2 of platform 1
- #88- Photo from platform 2 of platform 1
- #89- Photo from platform 2 of platform 1

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

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Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

#90- Photo from platform 2 of platform 1
#91- Photo from platform 2 of platform 1
#92- Photo from platform 2 of platform 1
#93- Photo from platform 2 of platform 1
#94- Photo from platform 2 of platform 1
#95- Photo from platform 2 of platform 1
#96- Photo from platform 2 of platform 1
#97- Close up of item with marker #1 with yellow ruler
#98- Close up of item with marker #1 with yellow ruler
#99- Close up of item with marker #2 with yellow ruler
#100- Item with marker #31 with ruler
#101- Close up of item with marker #4 with ruler
#102- Close up of item with marker #5 with ruler
#103- Close up of item with marker #6 with ruler
#104- Close up of item with marker #9 with ruler
#105- Close up of item with marker #12 with ruler
#106- Close up of item with marker #12 with ruler
#107- picture out of focus
#108- Close up of item with marker #16 with ruler
#109- Close up of item with marker #17 with ruler
#110- Close up of item with marker #18 with ruler
#111- Close up of item with marker #21 with ruler
#112- Close up of item with marker #22 with ruler
#113- Close up of item with marker #23 with ruler
#114- Close up of item with marker #20 with ruler
#115- Close up of item with marker #24 with ruler
#116- Close up of item with marker #25 with ruler
#117- Blood stain on inside of jacket of item with marker #3
#118- Blood stain on inside of jacket of item with marker #3
#119- Blood stain on inside of jacket of item with marker #3
#120- Blood stain on inside of jacket of item with marker #3
#121- Close up of blood stain on inside of jacket of item with marker #3
#122- Close up of blood stain on inside of jacket of item with marker #3

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
**BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
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Narrative Report

OFFENSE(S)

OFFENSE(S) contd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

#123- Cell phone located in the left outer breast pocket of item with marker #10
#124- Cell phone located in the left outer breast pocket of item with marker #10
#125- Cell phone located in the left outer breast pocket of item with marker #10
#126- Blood stain on right front pant pocket of item with marker #11
#127- Close up of blood stain on right front pant pocket of item with marker #11
#128- Close up of blood stain on right front pant pocket of item with marker #11
#129- Money, California identification and cell phone located in pocket of item with marker #11
#130- Close up of California identification that was located in pocket of item with marker #11
#131- picture out of focus
#132- Money, cell phone, California Identification and car keys located in item with marker #11 pocket
#133- Money, cell phone, California Identification and car keys located in item with marker #11 pocket
#134- Close up of money, cell phone, California Identification and car keys located in item with marker #11 pocket
#135- Item with marker #26 - Money 9- \$20's, 1-\$5, 3-\$1's, 3- \$.25, 1-\$.10, 4-\$.01
California Identification (Oscar Julius Grant, III, [REDACTED])
[REDACTED]
Green/black, Sony Erickson, T-mobile, Serial #BX900DUK76
3- keys on ring
#136- Close up of item with marker #26
#137- Close up
#138- Item with marker #13 with hole
#139- Close up of item with marker #13 with hole
#140- Close up of item with marker #13 with hole and ruler
#141- Close up of item with marker #13 with hole and ruler
#142- Close up of item with marker #13 with hole and ruler
#143- Green leafy substance located inside item with marker #14
#144- Close up of green leafy substance located inside item with marker #14
#145- Item with marker #14 with lid off

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED BY: **SB1421**
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

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Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

After photographing the platform I assisted Officer Olsen with the measurements of the items in relation to their position on the platform.

All photographs were transferred to a Memorex CD-R, packaged and placed into evidence locker #6 at the Castro Valley BART Station Police Facility by me.

See Officer Maloney's report for evidence.

See Officer Olsen's report for measurements and diagram.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

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ADMINISTRATION

BY OFFICER B. Moore 58011	DATE/TIME 01/01/2009 11:47	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

On 01/01/09, at 0216 hours, I responded to the Fruitvale BART Station to process evidence. While processing evidence on scene I wore latex gloves to prevent contamination. My main duty while on scene was to photograph the evidence and station platform.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER B. Moore 58011	DATE/TIME 01/28/2009 01:52	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/28/09	
OFFICER	UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active	

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 2

Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Supplemental report to my role in custody of Bryson after his arrest and prior to his interview.

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE	S	1 OF 1	NAME - LAST, FIRST MIDDLE, SUFFIX				ADDRESS 1				PHONE 1						
RACE	W	SEX	M	HT	5'11"	WT	185	HAIR	BRO	EYE	BRO	AGE	19	DOB	ADDRESS 2		PHONE 2
OCCUPATION	None				INJURIES				ADDRESS 3				PHONE 3				
SCARS / MARKS / TATTOOS				AKA'S				ARRESTEE DISPOSITION				RELEASE LOCATION		ARREST DATE / TIME			
YES <input type="checkbox"/> NO <input type="checkbox"/>				STATE				ARRESTED		BOOKING #		WARRANT		CITATION #		SS#	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>				STATE		ARRESTED		BOOKING #		WARRANT		CITATION #		SS#		CII#	
CHARGES																	

NARRATIVE

On 010108, at approximately 0400 HRS, I was on special assignment as a uniformed Tactical Team Officer for New Years Eve's crowd control duties within the BART system. At approximately 0400 HRS, at the Lake Merritt Police Office, Lt. Ledford L16 asked for a volunteer to stay with E [REDACTED] an arrestee from this Fruitvale Station incident, while awaiting his interview with the detectives.

I contacted BART Ofc. Zwetsloot 510 at his patrol car on 9th Street at Madison Avenue above the police office. B [REDACTED] was in handcuffs next to the patrol car. I took custody of B [REDACTED] and escorted him to a comfortable office in the station to await his interview.

While awaiting his interview, E [REDACTED] asked what his charges were. I did not know the circumstances of his arrest so I could not answer his question. I asked and was told by Sgt. Ledford S37 that his charge was 242 PC. I later spoke to Detective Smith for a status update. He told me that B [REDACTED] charge was 243 PC. I advised E [REDACTED] of the charge and that we were waiting for detectives to interview him. While we waited, I did not ask B [REDACTED] any questions about his incident. Without provocation, he told me, "I didn't see nothing." He told me, "The officer pointed the Taser at me and told me to sit down." He also stated, "I have no respect for the police cuz they don't show me respect."

I stayed with E [REDACTED] until approximately 0730 HRS, when Detective Smith took custody of B [REDACTED] for his interview. During these three and a half hours, I made B [REDACTED] more comfortable, added a second pair of handcuffs for comfort, double locked them and

ADMINISTRATION

FOLLOW-UP		COPIES TO:	
YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> WWAP <input type="checkbox"/> OTHER	
BY OFFICER		DATE/TIME	
C. Perea 56889		01/01/2009 08:26	
OFFICER		UNIT/SHIFT	
APPROVED BY		DATE APPROVED	
Jason Ledford 55998		01/01/09	
ASSIGNED TO		CASE STATUS	
		Active	

Supp-1-Perea/56889 Entered by: Carolyn Perea

APDC (Rev. 03/13/08) Print Date: 01/06/2009

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

2 OF 2

Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Supplemental report to my role in custody of Bryson after his arrest and prior to his interview.

NARRATIVE

checked them for fit. I also brought him water twice. B [REDACTED] told me non-criminal information about his living situation and family history. I allowed him to lie comfortably on the floor to sleep due to the late hour. B [REDACTED] remained calm and polite during my contact with him.

I removed B [REDACTED] handcuffs when Detective Smith escorted B [REDACTED] to the police conference room for his interview.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421

BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

C. Perea 56889

DATE/TIME

01/01/2009 08:26

APPROVED BY

Jason Ledford 55998

DATE APPROVED

01/01/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Supp-1-Perea/56889 Entered by: Carolyn Perea

APDC (Rev. 03/13/08) Print Date: 01/06/2009

Arrest ☒
Crime ☐
Non-Criminal ☐

CASE #
0901-0027

PAGE 1 OF 1

Person Profile

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PERSONS

Codes: V = Victim W = Witness S = Suspect A = Arrestee D = Detainee C = Complainant R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE

S

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

B [REDACTED] M [REDACTED] R [REDACTED]

DOB

[REDACTED]

This report contains Person Profile information only.

Please refer to the primary report(s) for additional information.

MO INFORMATION

BART Individual Type

Facility Occupant

Facility Occupant

Passenger

Demeanor

Calm

Facial Hair

Unshaven

Hair Length

Longer than shoulder

Hair Style

Ponytail /Tail

Hair Type

Thick

Skin Color

Medium

CLOTHING

Black quilted jacket, blue jeans sagging, white bb shoes

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER C. Perea 56889	DATE/TIME 01/01/09 08:26	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Supp-1-Perea/56889 Entered by: Carolyn Perea

APDC (Rev. 06/16/06) Print Date: 01/06/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 2

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

On 1/1/09 at 0214 hours, I responded to a call of a gunshot victim at the Fruitvale BART station. Numerous units on scene were reporting that there was a person in need of medical attention on the train platform. I arrived and saw that the station had been closed as I saw yellow Police tape at the entrance to the station. Additionally, I saw that there were several people that appeared to be patron waiting outside of the station.

I was asked by Officer Woffinden(#547) to stand by with a person that he had detained in the rear of his vehicle. Woffinden told me that the person was distraught and asked if I would check on their welfare periodically. Woffinden returned and relieved me after about fifteen(15) minutes.

Shortly after Woffinden's return, I was informed that there was a witness to the shooting in the bus zone and that the witness wanted to give a statement(see attached). At approximately 0300 hours, I met with M [REDACTED] S [REDACTED] who told me that he was a passenger aboard a Dublin/Pleasanton bound train when the train stopped at the Fruitvale BART station. S [REDACTED] said that the train had been holding on the platform for about ten(10) minutes when he stepped off of the train. S [REDACTED] told me that he saw about ten(10) uniformed Police officers on the platform that his train was stopped on. The officers appeared to have four(4) people detained in handcuffs.

S [REDACTED] told me that it looked like the Police had all of the people that they were looking for. S [REDACTED] stated that he heard a loud bang sound and then he was told by the Police officers on scene to leave the station. He then went down the stairwell and exited the Fruitvale BART station.

After S [REDACTED] gave me a verbal statement, I wrote the statement and read it back to him for verification before presenting it to him for a signature. At approximately 0315 hours I transported D [REDACTED] L. E [REDACTED] to the Lake Merritt BART station from the Fruitvale station. B [REDACTED] was in the rear of vehicle #1018 and that is the vehicle that I used to transport him.

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

E. Poindexter 57852

DATE/TIME

01/06/2009 21:44

APPROVED BY

Alan Fueng 58615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☐Crime ☒Non-Criminal ☐**BART Police Department**

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

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Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

Once at Lake Merritt I placed B [REDACTED] into the secure cage inside of the Police facility. Additionally I was asked to monitor the welfare of M [REDACTED] G [REDACTED] who was placed into the Police facility squad room. I monitored G [REDACTED] from around 0340 hours to 0740 hours when he was transferred to the facilities secure cage. I told G [REDACTED] that I did not know why he was being detained and that I did not know how long he would be held at the Lake Merritt facility. G [REDACTED] told me that he and his friends had been stopped by the Police because of a fight on a train but that they had nothing to do with the fight. G [REDACTED] was provided a restroom break as well as provided with water.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER E. Poindexter 57852		DATE/TIME 01/06/2009 21:44	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/07/09
OFFICER		UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME REPORTED

1/1/09 0204 Hours

1. CODE SECTION(S)

242 P.C., 148 P.C.

2. CRIME(S) / CLASSIFICATION(S)

BATTERY, RESISTING ARREST

3. VICTIM'S NAME - LAST, FIRST, M.I.

PERONE, T

4. ADDRESS

800 MARSHALL ST. OAKLAND CA

5. PHONE

(510) 464-6666

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED.
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

ON 1/1/09 AT ABOUT 0230 HRS, I WAS ABOARD A DUBLIN TRAIN WHEN I NOTICED THAT THE TRAIN WAS STOPPED FOR ABOUT 10 MINUTES AT THE STRAUSS STATION. THE DOORS WERE OPEN AND THE TRAIN WAS ON THE PLATFORM. I SAW ABOUT TEN POLICE OFFICERS WHO HAD FOUR PEOPLE STOPPED IN HANDCUFFS. IT LOOKED LIKE THEY HAD EVERYONE THAT THEY WERE LOOKING FOR. I HEARD A LOUD BANG AND THEN THEY (THE COPS) MADE ME LEAVE THE STATION. I DON'T KNOW WHAT HAPPENED AFTER THAT. THIS IS TRUE AND FAITHFUL TO THE BEST OF MY KNOWLEDGE.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

FORWARDED TO: SB1421
BY SAP J-265
POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER

POINDEXER

RECORDING OFFICER

POINDEXER 451

DATE / TIME PREPARED

1/1/09 0238

APPROVED BY:

AFS47 1-12-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Additional supplemental report

NARRATIVE

In my previous supplemental report, I indicated that on 1/1/09 I transported and individual from the Fruitvale BART station to the Lake Merritt BART station. I had indicated in my report that the individual's name was D [REDACTED] E [REDACTED]. I never asked the individual what his name was or spoke with him while I was transporting him, but was falsely told that his name was B [REDACTED] by a person that I do not remember. I have since learned that the person that I transported was actually named N [REDACTED] J. B [REDACTED]. I have verified this via photographs of B [REDACTED].

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

E. Poindexter 57852

DATE/TIME

01/12/2009 07:53

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/12/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 6

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..

NARRATIVE

At 1230 hours on 01-07-09, I was working in full police uniform working beat 10 with Officer Cunningham #550. I was dispatched to meet with Lieutenant Alkire #L-13 at the Lake Merritt BART Police Office. I met with Lieutenant Alkire at his office, and Officer Cunningham went back to beat 10. Lieutenant Alkire requested that I collect evidence from locker #116 at the Lake Merritt BART Police men's locker room, and he asked me to bring a camera.

Lieutenant Alkire brought me to locker #116, and I saw a padlock on it. Lieutenant Alkire told me he had placed the padlock on the locker on 01-06-09, and he unlocked it. I had brought a Kodak Easy Share digital camera, model Z712 IS, with me (taken from BART Police Vehicle #1096). I took some photos of lockers #115 and #116 prior to Lieutenant Alkire opening the locker.

At 1246 hours, Lieutenant Alkire opened the locker. I saw police uniforms and police equipment in it. Lieutenant Alkire requested that I collect the police uniforms and police equipment. I took photos of the police uniforms and police equipment inside the locker prior to collecting them.

I saw a navy blue jacket with BART PD patches on both shoulders, a cloth label with the name "J. Mehserle" that was sewn above the front right jacket pocket, a BART PD cloth badge was on the left breast side, there was a label with size XL-L inside same, and the make was "Flying Cross." This jacket was hanging on the locker rack. I took the jacket, placed it in butcher paper, wrapped it up, and placed it into a large paper evidence bag.

I saw a blue navy pant with a black basket weave belt and a nylon restraint equipment belt clipped on the left small pocket, and the make was "Flying Cross." This pant was hanging on the locker rack. I took the pant, placed it in butcher paper, wrapped up, and placed it into a large paper evidence bag.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW
FEB 23 2019
RELEASED TO: SB1421
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BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWP ☐ OTHER

BY OFFICER

M. Pon 55323

DATE/TIME

01/12/2009 08:14

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/12/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/>	BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report	CASE # 0901-0027 <hr/> PAGE 2 OF 6
OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 242 PC; Battery; Misd.		
OFFENSE(S) cont'd.		
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02
LOCATION OF OCCURENCE 3401 East 12th St, Oakland - 01 - - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION BEAT SECTOR
CASE SUMMARY Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..		
NARRATIVE		
<p>I saw a long sleeve shirt with BART PD patches on both shoulders, a metal name plate "J. Mehserle" above the right front pocket, a label with size 17.5/36, there were two shirt keepers attached to the bottom of it, and the make was "Flying Cross." This shirt was hanging on the locker rack. I took the shirt, placed it in butcher paper, wrapped it up, and placed it into a large paper evidence bag.</p> <p>I saw a bullet resistant vest made by "Second Chance" placed inside the locker. I placed the bullet resistant vest in butcher paper, wrapped it up, and placed it into a large paper evidence bag.</p> <p>I saw a black T-shirt placed inside the locker. I took the T-shirt out of the locker, and saw that it was switched to inside out. I placed the T-shirt in butcher paper, wrapped it up, and placed it into a large paper evidence bag.</p> <p>I saw a pair of black leather quarter length boots on top of the lockers #115 and #116. I took the boots and placed them into a large paper evidence bag.</p> <p>I checked the locker door and I saw a duty belt hooked on the inside of the door. I took the duty belt, placed it in butcher paper, wrapped it up, and placed it into a large paper evidence bag.</p> <p>I checked the upper shelf of the locker. I saw an Ericsson portable radio with a Mike on it, keepers with a baton ring and handcuff key on it, a short handle baton, and a pair of gloves in a small box. I took each of those equipment and placed them in their own large evidence paper bag.</p> <p>Lieutenant Alkire watched me as I took the police uniforms and police equipment out of locker #116, and processed them into evidence while in the locker room. Lieutenant Alkire did not touch any of the evidence that I collected from locker #116. I locked locker #116 after I finished taking out all of the police uniforms and police equipment that I had located</p>		
ADMINISTRATION		
FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VVAP <input type="checkbox"/> OTHER
BY OFFICER M. Pon 55323	DATE/TIME 01/12/2009 08:14	APPROVED BY Alan Fueng 56615
OFFICER	UNIT/SHIFT	ASSIGNED TO
		DATE APPROVED 01/12/09
		CASE STATUS Active

Arrest <input checked="" type="checkbox"/> Crime <input type="checkbox"/> Non-Criminal <input type="checkbox"/>	BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report	CASE # 0901-0027 <hr/> PAGE 3 OF 6
OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 242 PC; Battery; Misd.		
OFFENSE(S) cont'd.		
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02
LOCATION OF OCCURENCE 3401 East 12th St, Oakland - 01 - - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION BEAT SECTOR
CASE SUMMARY Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..		
NARRATIVE <p>in it. Lieutenant Alkire reopened locker #116 to view the interior of it, but closed it without touching anything inside it.</p> <p>Lieutenant Alkire had brought a cart into the locker room, and I placed the evidence on it. I took the cart into the large conference room at the Lake Merritt BART Police Office. I locked the door and began to process the evidence by myself.</p> <p>I took the navy blue jacket out of the large evidence paper bag and examined it. I did not see new damage or stains on the jacket. I took photos of the jacket showing the front and back, the cloth name plate "J. Mehserle", and the cloth BART PD badge on the left breast. I placed the jacket on the butcher paper it was originally wrapped in, wrapped it up, and placed it into the same large evidence paper bag I had taken it out of. I closed the bag by placing another large evidence paper bag over it, stapled it shut, and sealed it with evidence tape (Evidence MPON-001).</p> <p>I took the navy blue pants out of the evidence bag and examined it. I saw three blood stains at the lower left side of the pant. I placed three labels near the blood stains indicating same. I took photos of the blood stains, and of the front and back of the pants. I placed the pants on butcher paper it was originally wrapped in, wrapped it up, and placed it into the same large evidence paper bag I had taken it out of. I closed the bag, stapled it shut, and sealed it with evidence tape (Evidence MPON-002).</p> <p>I took the navy blue long sleeve shirt out of the evidence bag and examined it. I saw a blood stain at the back of the right cuff of the shirt. I placed a label near that stain indicating same. I took photos of the front and back of the shirt with the shirt keepers attached to bottom of it, the name tag "J. Mehserle" above the right pocket, and the label showing the size 17.5 / 36. I placed the shirt on butcher paper it was originally, wrapped it up, and placed it into the same large evidence paper bag that I had taken it out of. I closed the bag, stapled it shut, and sealed it with evidence tape (Evidence MPON-003).</p>		
ADMINISTRATION		
FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER	
BY OFFICER M. Pon 55323	DATE/TIME 01/12/2009 08:14	APPROVED BY Alan Fueng 56615
OFFICER	UNIT/SHIFT	ASSIGNED TO
		DATE APPROVED 01/12/09
		CASE STATUS Active

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

4 OF 6

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..

NARRATIVE

I took the bullet resistant vest out of the evidence bag and examined it. I did not see new damage or stains on the vest. I took photos of the front and back of the bullet resistant vest. I placed the bullet resistant vest on butcher paper it was originally wrapped in, wrapped it up, and placed it into the same large evidence paper bag that I had taken it out of. I closed the bag by placing another large evidence paper bag over it, stapled it shut, and sealed it with evidence tape (Evidence MPON-004).

I took the black T-shirt out of the evidence bag and examined it. I did not see new damage or stains on the T-shirt, but I saw that it was turned inside out. I took photos of the front and back of the T-shirt. I turned the T-shirt inside out, and took photos of the front and back, and I took photos of the print, "Save The Cougar.Org", and "Field Research Team" on same. I turned the T-shirt inside out, the way that I had founded it; placed it on the butcher paper it was originally wrapped in, wrapped it up, and placed it into the same large evidence paper bag that I had taken it out of. I closed the bag, stapled it shut, and sealed it with evidence tape (Evidence MPON-005).

I took the boots out of the evidence bag and examined them. I did not see any new damage or stains to the boots. I took photos of the right boot and the left boot, showing the left side, right side, and the sole. I placed the right boot into a new large evidence paper bag, stapled it shut, and sealed it with evidence tape (Evidence MPON-0006). I placed the left boot into the same large evidence paper bag that I had taken it out of, stapled it shut, and sealed it with evidence tape (Evidence MPON-007).

I took the keepers, baton ring, and handcuff key out of the evidence bag. I examined them and I did not see new damages or stains to the keepers, baton ring, and handcuff key. I took photos of the keepers, baton ring, and handcuff key. I placed the keepers, baton ring, and handcuff key into a large evidence paper bag that I had taken it out of, stapled it shut, and sealed it with evidence tape (Evidence MPON-008).

I took the pair of gloves out of the evidence bag and examined them. I did not see any

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

M. Pon 55323

DATE/TIME

01/12/2009 08:14

APPROVED BY

Alan Fueng 56615

OFFICER

UNIT/SHIFT

ASSIGNED TO

DATE APPROVED

01/12/09

CASE STATUS

Active

Supp-I-Pon/55323 Entered by: Michael Pon

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

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Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..

NARRATIVE

new damage or stains on the gloves. I took photos of the gloves. I placed the gloves into the same large evidence paper bag that I had taken it out of, stapled it shut, and sealed it with evidence tape (Evidence MPON-009).

I took the short handle baton out of the evidence bag and examined it. I did not see any new damage or stains on the baton. I took photos of the baton. I placed the short handle baton into the same large evidence paper bag that I had taken it out of, stapled it shut, and sealed it with evidence tape (Evidence MPON-010).

I took the Ericsson radio out of the evidence bag and examined it. I did not see any new damage or stains on the Ericsson radio. I took photos of the Ericsson radio. I placed the Ericsson radio into the same large evidence paper bag that I had taken it out of, stapled it shut, and sealed it with evidence tape (Evidence MPON-011).

I took the duty belt out of the evidence bag and examined it. I did not see any new damage or stains on the equipment on the duty belt or on the duty belt itself. I took photos of the duty belt. I placed the duty belt on butcher paper, wrapped it up, and placed it into the same large evidence paper bag that I had taken it out of, but I closed the top of the evidence bag with another large evidence paper bag; stapled it shut, and sealed it with evidence (Evidence MPON-012).

I took a total of 64 digital photos showing the police uniforms, police equipment, and lockers #115 and #116. I made two CD copies of the 64 digital photos. I booked one the CD copies into evidence (Evidence MPON-013), and I forwarded one of the CD copies to the BART Detective Enriquez #456. I erased the 64 digital photos from the Kodak camera memory card.

I placed evidence items MPON-0001 and MPON-0004 to MPON-0013 into evidence locker #13 at the Lake Merritt BART Police Evidence Room. I placed evidence items MPON-002 and MPON-003 into the freezer at the Lake Merritt BART Police Evidence

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

M. Pon 55323

DATE/TIME

01/12/2009 08:14

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/12/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Supp-1-Pon/55323 Entered by: Michael Pon

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

6 OF 6

OFFENSE(S)

**148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Photos taken of police uniform and police equipment from locker #116 from men's locker room at LMA, and those properties were processed into evidence..

NARRATIVE

refrigerator.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER

M. Pon 55323

DATE/TIME

01/12/2009 08:14

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/12/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>On 01/01/2009, at 0215 hours I was patrolling the MacArthur BART station when I heard a broadcast over the radio requesting medical for a person with a gun shot wound at the Fruitvale station. All times and locations are approximate except where otherwise noted.</p> <p>While enroute to the Fruitvale station, I picked up several pieces of I.D. Tech equipment at the Lake Merritt station, for use by I.D. Techs at the Fruitvale station. I arrived at the Fruitvale station shortly after.</p> <p>Upon my arrival, I assisted on scene personnel with securing the crime scene, and various other duties as needed. It should be noted that I arrived on scene after the above incident occurred, and that I have no direct knowledge of the above incident.</p> <p>At approximately 0300 hours, BART Police Detective J. Enriquez #456 requested that I retrieve any available platform video footage in regards to this case. Det. Enriquez also requested that I inquire if the incident train was equipped with video, and that I retrieve any available video from the train as well. It should be noted that I am currently assigned as the Community Services Officer responsible for Video-Recovery in the departments Special Problems Unit.</p> <p>At 0345 hours I retrieved the BART platform video footage. The video was transferred directly to my department issued USB drive. I provided Det. Enriquez with a copy of the above files.</p> <p>On 01/02/2009, I placed the above platform footage onto two DVDs. One CD was set to be placed into evidence. The second was provided to the Detectives Division.</p>				
REPORTING OFFICER(S) K. POTTER #J296		RECORDING OFFICER K. POTTER J296		DATE / TIME PREPARED 01/05/09 - 16:18
APPROVED BY: AF8471-12-09				
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE		
		<input checked="" type="checkbox"/> OTHER: ALCO DA <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>On 01/02/2009, I spoke with the BART Operations Control Center in regards to the incident trains information. I was provided with the incident train's run number, and car numbers. The incident train (run 523, later changed to 522) was a Dublin Pleasanton bound train, with the following cars in the consist: 426, 381, 1883, 1880, 1603, 1887, 1861, 1863. Unfortunately, none of the above cars were listed as being equipped with video storage devices, or video cameras. However, I personally inspected each car to ensure that there was in fact no video recorders/cameras.</p> <p>On 01/03/2009, at approximately 0130 hours I located cars 426, 1603, 1861 and 1863 at the Daly City train yard. Upon entering each car, I found that they were only equipped with camera housings (no cameras were installed).</p> <p>On 01/03/2009, at approximately 0300 hours I located cars 381, 1883, 1880 and 1887 at the Dublin/Pleasanton BART station. I again entered each car, and confirmed that they were not equipped with video cameras. The cars were equipped with camera housings only.</p> <p>On 01/04/2009, I spoke with Det. Enriquez and relayed the above information regarding the train cameras.</p> <p>On 01/05/2009, Detective Sergeant A. Fueng #S47 requested that I retrieve any platform footage from the Lake Merritt station on 01/01/2008 from 0130-0200 hours.</p> <p>On 01/05/2009, at approximately 1400 hours I met with BART Employee J. [REDACTED] in the BART Communications/Engineering department. I had Mr. [REDACTED] transfer the above requested files directly to my department issued USB drive.</p>					
REPORTING OFFICER(S) K. POTTER #J296		RECORDING OFFICER K. POTTER #J296		DATE / TIME PREPARED 01/05/09 - 16:18	
APPROVED BY: AFS47 1-12-09					
DISPOSITION: <input type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01/05/2009, I transferred the above files to DVD via my computer. One DVD was forwarded to the Detectives Division, and the second was set to be placed into evidence.

No further at this time.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

K. POTTER #J296

RECORDING OFFICER

K. POTTER #J296

DATE / TIME PREPARED

01/05/09 - 16:18

APPROVED BY:

AFS471-12-09

DISPOSITION:

☐ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 0.00

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
KPOTTER-001	E	1	WHT		Audio/video	Memorex	DVD-R	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38781			\$ 0.00	\$ 0.00	LMA Locker 1	
DESCRIPTION							<input type="checkbox"/> FIELD RECEIPT ISSUED	
DVD containing platform footage of the Fruitvale station.								

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

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**BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER K. Potter 58290	DATE/TIME 01/02/09 15:02	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Evid-1-Potte/58290 Entered by: Kyle Potter

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Evidence.

NARRATIVE

See Property/Evidence page.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

K. Potter 58290

DATE/TIME

01/02/2009 15:02

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Evid-1-Potte/58290 Entered by: Kyle Potter

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

\$ 0.00

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
KPOTTER-002	E	1			Audio/video	Memorex	DVD	
SERIAL NUMBER	BAR CODE	VALUE	TOTAL	LOCATION / BIN #				
	38893	\$ 0.00	\$ 0.00	LMA Locker 1				
DESCRIPTION					<input type="checkbox"/> FIELD RECEIPT ISSUED			
DVD containing footage of the Lake Merritt station.								

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019
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CONFIDENTIAL

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
K. Potter 58290	01/07/09 13:06	Alan Fueng 56615	01/10/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-06-09 1235

1. CODE SECTION(S)

242PC, 148 (a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT

WITNESS STATEMENT;

I, **K [REDACTED]**

On 01-03-09 about 1300 hours I spoke with witness I **K [REDACTED]** on the telephone regarding what she saw on the morning of 01-01-09. I conducted a recorded phone interview with **K [REDACTED]** and in summary she told me the following:

K [REDACTED] and three friends were traveling home on BART from San Francisco. They boarded a Dublin bound train at the Powell Street Station. **K [REDACTED]** said she and her companions boarded the train car just in front of where the incident occurred. **K [REDACTED]** was standing and was able to see most of the events from a view of 15-20 feet away, looking through the train window.

When the train pulled into the Fruitvale Station, she said it sat there a minute or two before she saw any officers. **K [REDACTED]** said she did not see any fighting on the train, but did see a group of youths who had walked through her car a couple of times, making comments to other passengers, now being detained on the platform by one officer (who she described as being a white male, about 6'01" tall, with a shaved head or just hair on the top). **K [REDACTED]** said he was yelling at the subjects on the platform and causing a scene.

The officer came into her train car, grabbed another subject off her train car, and threw him into a wall. The subject stood back up and the officer tackled him, got him on the ground and handcuffed or tied him up, because his hands were now behind his back. **K [REDACTED]** said the subject who was handcuffed tried taking pictures of the white male officer. **K [REDACTED]** was

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1235

APPROVED BY:

AF 847 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

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POLICE REPORT

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not sure if he had a camera or cell phone and could not describe it.

About three more officers arrived on scene. K██████████, believing the train was going to depart sat down in a seat. K██████████ said one subject, the one who got shot, had stood up. The next thing she remembers seeing is the guy who had stood up was now on the ground. K██████████ said his feet were pointing towards her and his head towards the concrete wall. His feet were kind of spread out behind him, and from what she could tell his hands were underneath him (under his body). K██████████ said she could see the cops were trying to pull his arms out. K██████████ said she could not hear what the officers or the male were saying as there was too much yelling and screaming going on. The big cop (the original one) was towards the head of the subject on the ground, and another cop, taller and thinner, was at the subjects' feet. K██████████ said they kept trying to pull his arms out and the subject was struggling. K██████████ said one of her companions even made the comment "That guy must be strong, because they can't get his arms out".

K██████████ again sat back down and heard a lot of screaming and yelling and then suddenly a "pop". When she looked out the train car window she could see the officer who was at the feet of the guy had put his hands up to his head, she could not tell if there was anything in his hands. K██████████ didn't think the guy had been shot, because now the officers were cuffing him.

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On 01-5-09 about 1815 hours Officer T. Smith #374 and I conducted a face to face interview with K██████████ at the Castro Valley BART Police Station to obtain follow up information. This interview was again recorded. Prior to the recording I showed K██████████ a diagram of a BART train had her indicate where on the train she was standing, along with where the incident occurred, and her line of sight of the events. K██████████ marked this on the paper I showed her, signed and dated the paper.

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1235

APPROVED BY:

AFS47 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-06-09 1235

1. CODE SECTION(S)

242PC, 148 (a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

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In summary K [REDACTED] told us the following in her recorded statement:
K [REDACTED] told us she has a positive view of law enforcement, as 30 years ago she took classes in preparation of becoming a police officer.
K [REDACTED] said she called to report what she saw, because she believed any information she could give us may help with the investigation, but she felt what happened was wrong.

In our first conversation K [REDACTED] described the subjects being detained as youths. She now clarified this statement as late teens to early twenties. K [REDACTED] said one officer (large, white male, shaved head) had detained 5 suspects by himself. K [REDACTED] said the scene was total chaos, and felt the officer was out of control.

When asked if she saw any others (suspects or officers) on the platform, K [REDACTED] said "No" that her attention was focused on what was happening with the detained suspects. K [REDACTED] again said that she could not hear what the officer was saying or if the suspects were saying anything.
K [REDACTED] said several of the detained suspects were fidgeting around, trying to look around the corner to see one of the other detained suspects.

K [REDACTED] said about three more officers arrived on scene.

K [REDACTED] said she saw Grant stand up, and the large officer take him back down to the ground. And again describes the position Grant was in (feet towards her). K [REDACTED] again described how two officers (the 1st large one, and another tall white male officer) were trying to pull his arms out from under him. K [REDACTED] made a physical motion with her hands, clenching both fists together around her mid section, near her belly button (we made note of this in the recorded interview). K [REDACTED] again relates what her friend states about the male being strong and the officer's inability to remove his hands. K [REDACTED] said the officers were using a lot of force, but could not pull Grants arms out. K [REDACTED] was uncertain as to how long Grant and the officers struggled to get his hands out. K [REDACTED] said Grant never gave up his hands. K [REDACTED] heard a "POP" and then saw the officer who was near Grant's feet put his hands up to his head, with a shocked look.

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BY SAP J-265
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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1235

APPROVED BY:

AFS471-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-06-09 1235

1. CODE SECTION(S)

242PC, 148(a)(1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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K [REDACTED] said that after the shot, Grant still had his hands tucked under him at his waist, and that the officers pulled his arms out and then handcuffed him.

K [REDACTED] said she never saw the gun, or any other weapon out, by any of the officers at the scene.

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BART POLICE DEPARTMENT
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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1235

APPROVED BY:

AFS47 1-9-09

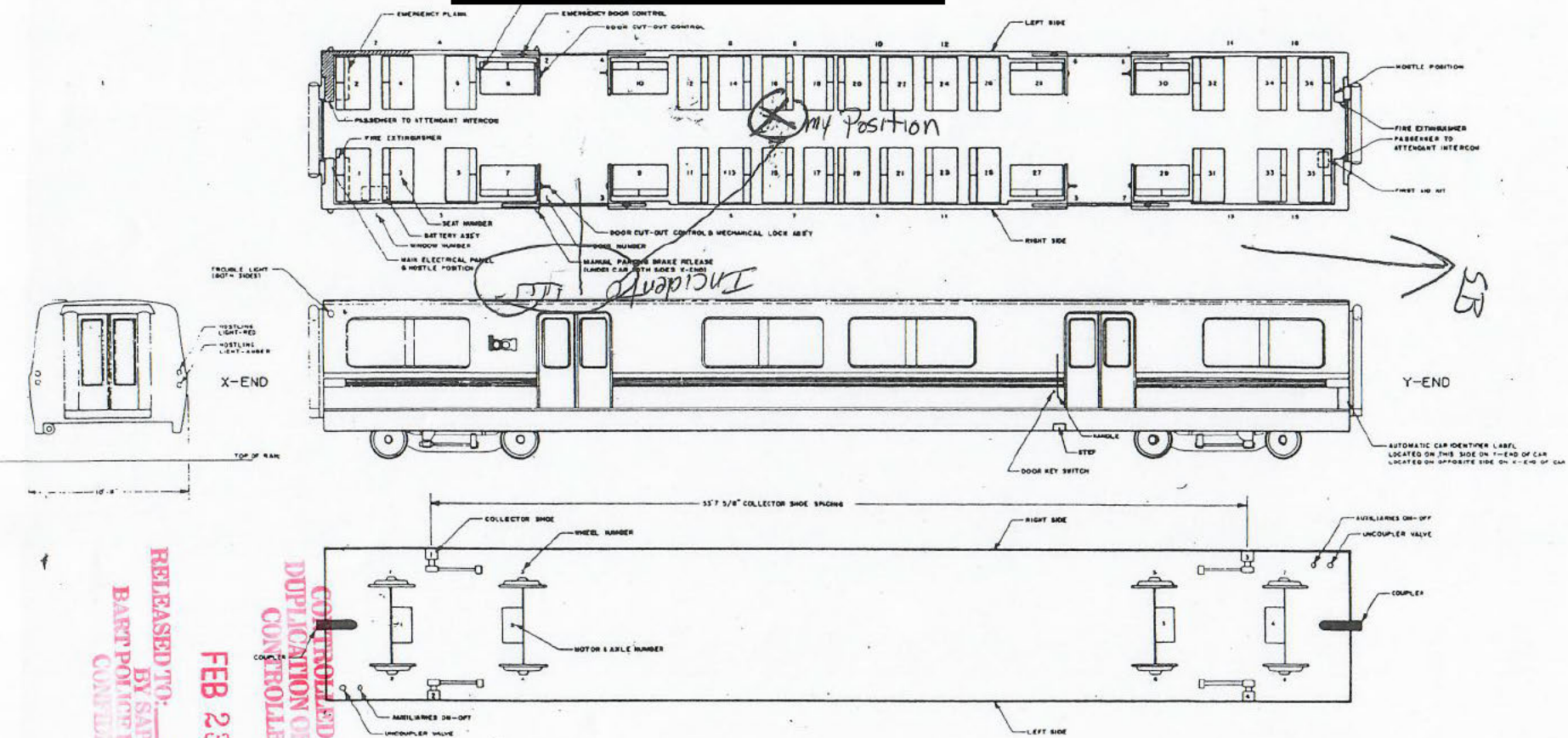
DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

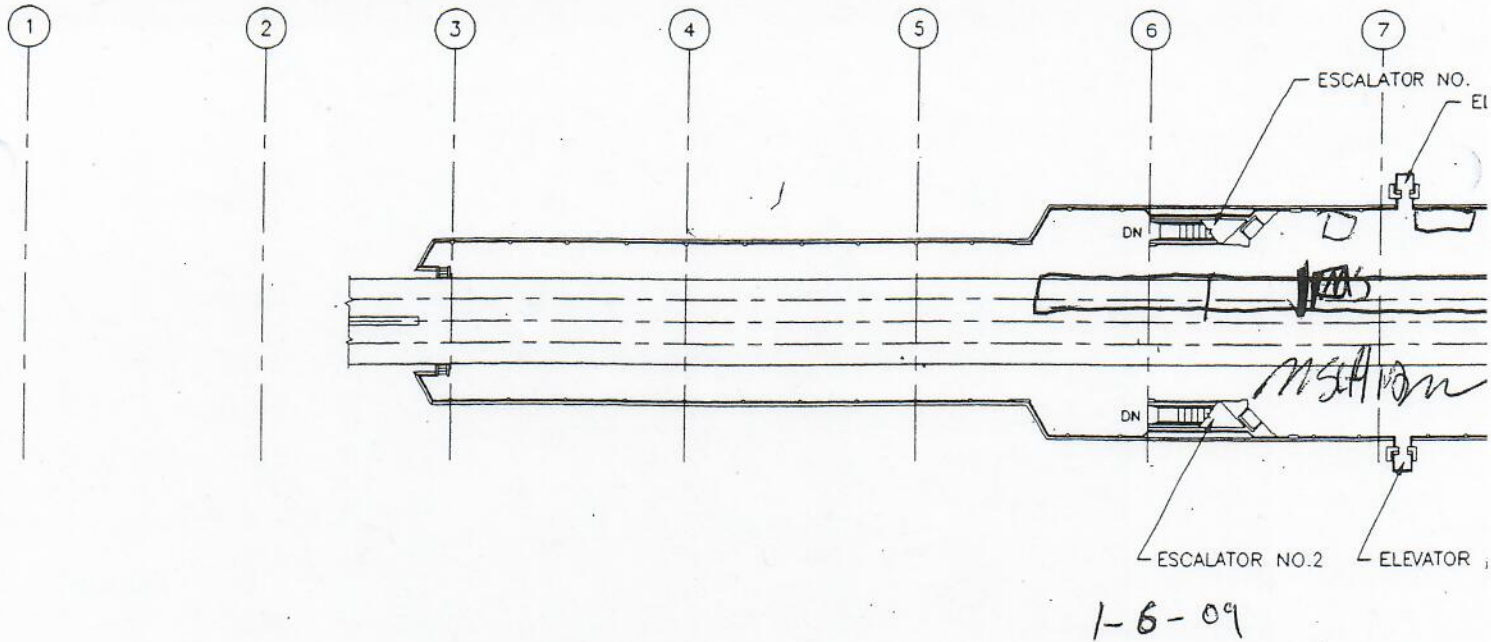
B CAR



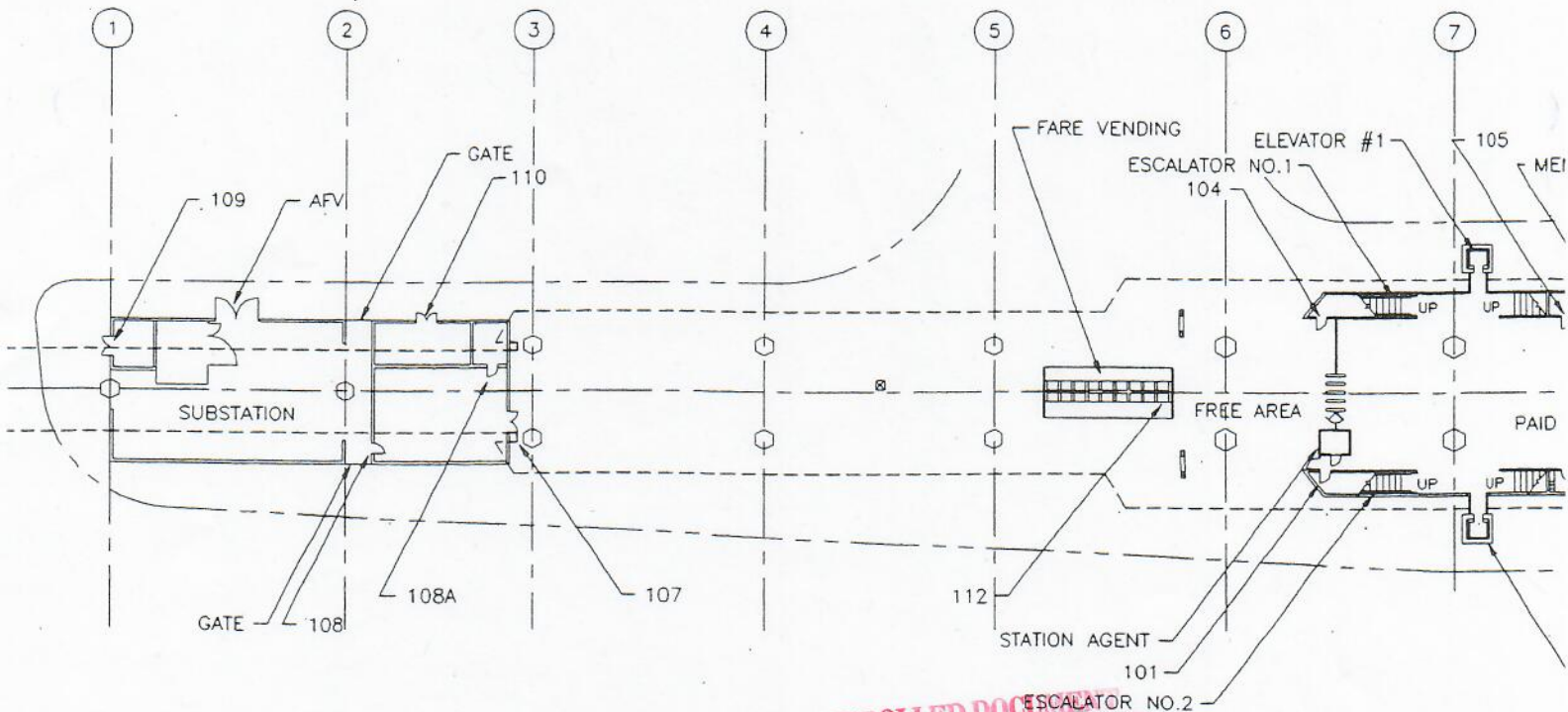
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BAFP POLICE DEPARTMENT
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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW



PLATFORM LEVEL PLA



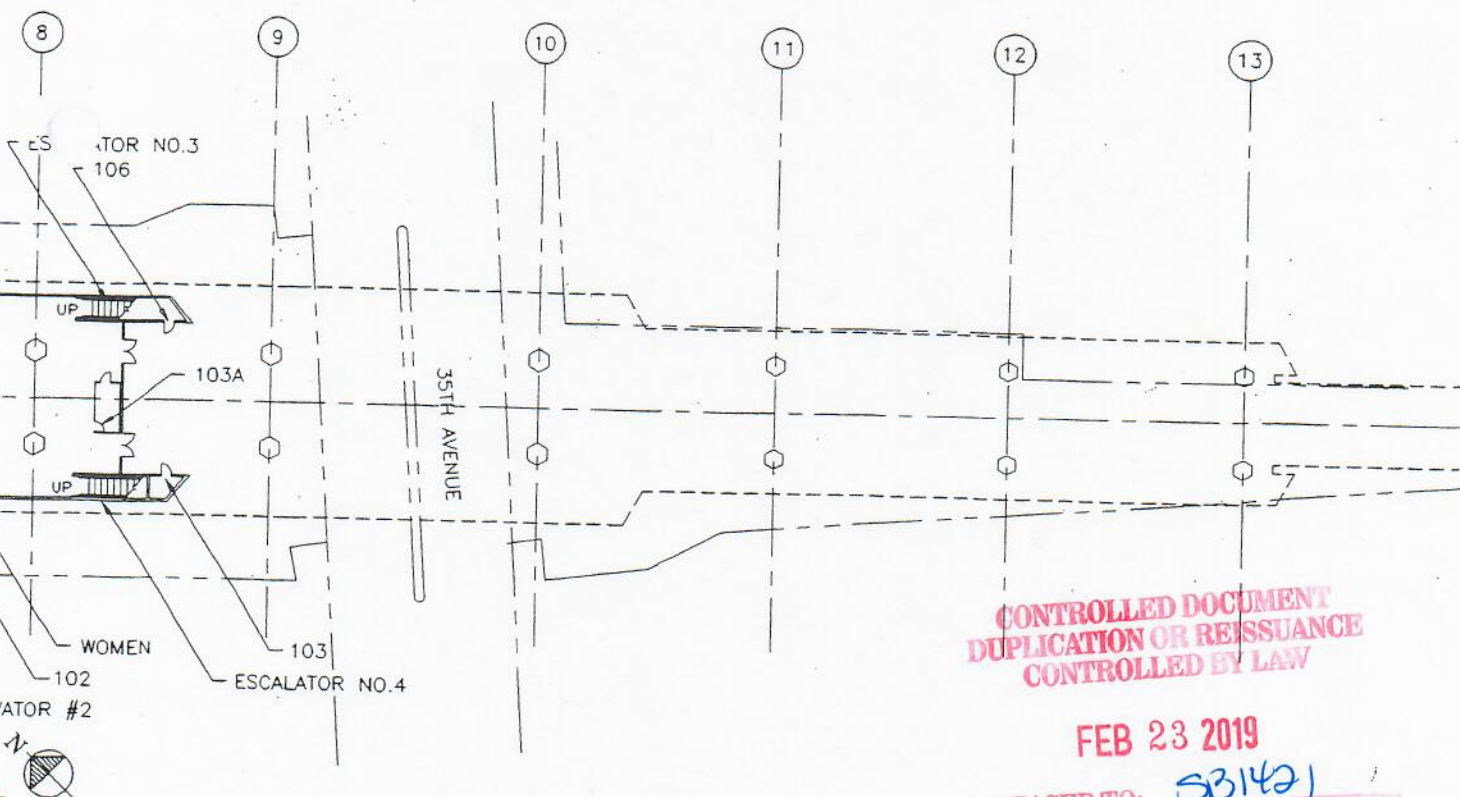
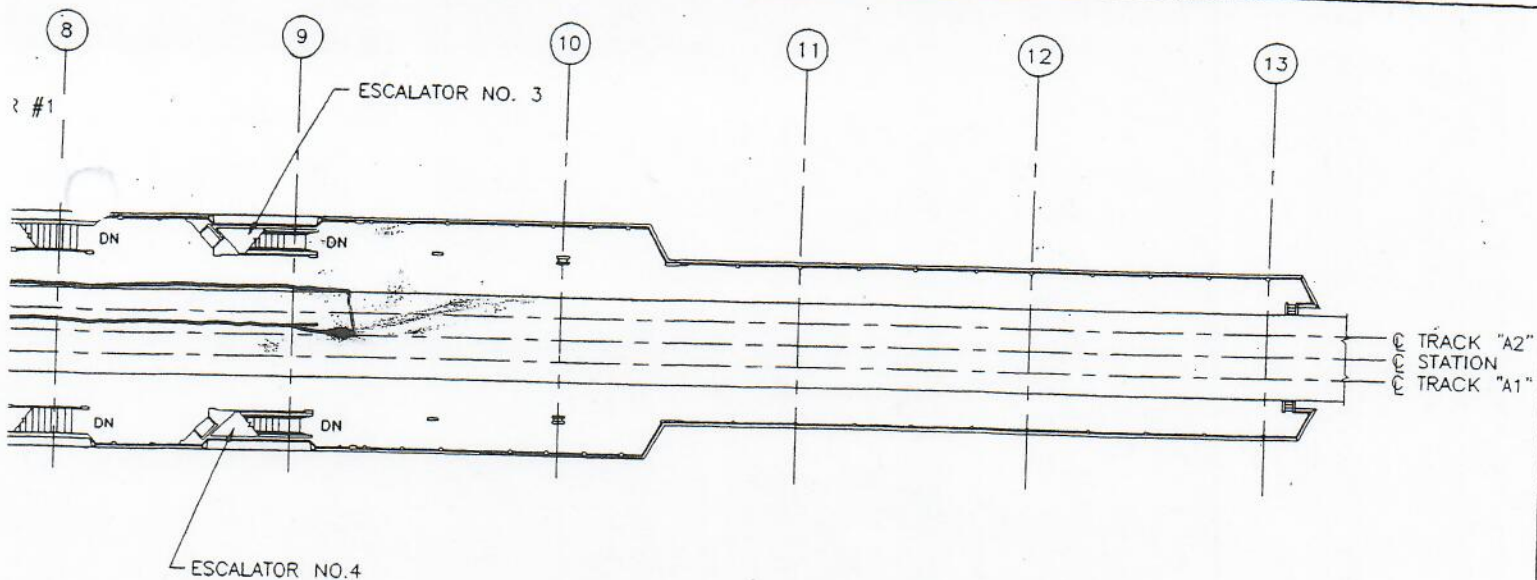
CONCOURSE LEVEL F

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DR.NO.	USE
101	ELECT. EQUIP. RM.
102	STAFF
103	TRASH
103A	STAFF
104	ELECT. EQUIP. RM.



CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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ROOM LEGEND

	DR.NO.	USE
CUSTOMER	109	SWITCHBOARD RM.
TRASH	110	MECH. RM.
TRAIN CONTROL RM.		
TRAIN CONTROL RM.	112	STORAGE
BATTERY RM.	AFV	SUBSTATION

FRUITVALE STATION - FVS
"A" LINE - STATION A-20
FLOOR PLANS

3401 EAST 12th STREET.
CAD01834

PAGE 1 OF 3

OAKLAND, CA. 94601
REV 1

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-06-09 1409

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT

WITNESS STATEMENT

J. [REDACTED] O. [REDACTED]
[REDACTED]

On 01-03-09 about 1328 hours I spoke with witness J. [REDACTED] O. [REDACTED] on the telephone regarding what she saw on the morning of 01-01-09. I conducted a recorded phone interview with O. [REDACTED] and in summary she told me the following:

O. [REDACTED] and her friend S. [REDACTED] J. [REDACTED] boarded a Dublin bound train at the Civic Center Station on 01-01-09. O. [REDACTED] said they boarded about the middle of the train and sat in the seats immediately before you would pass into another train car, headed towards the rear of the train. O. [REDACTED] said she was seated in the seat next to the window, on the platform side of the train. The train pulled into the Fruitvale Station and sat there for about 15-20 minutes. She saw the young men get lined up, with their backs facing the wall, with three police officers (one woman-Latina hair pulled back, one white male dark hair, about 5'07"-5'08" and one white male a little taller with blond hair). One of the subjects detained, in the middle, possibly Hispanic, wearing a hoody, was a little loud as if he did not want to be there. O. [REDACTED] thinks he may have TASED, as then he just sat there and stopped resisting.

O. [REDACTED] said that prior to stopping at Fruitvale, she did not notice anything unusual on the train.

The guys were out there about 5-10 minutes when the dark hair officer, about 5'07" tall, came into her train car and pulled a 4th guy off of the train. O. [REDACTED] described him as being African American short dreads, about the same height as the officer, and with a skinny muscular build. He was

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1409

APPROVED BY:

AFS47 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

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a little rowdy and was laid out flat on his stomach. O. believes he was handcuffed behind his back. The officer who hand cuffed him walked away and the dark hair officer and came up, aimed and shot him in the back of the leg, near the knee cap area.

O. said everyone was shocked. The guy had just been lying there and no longer resisting for a few minutes, and was accepting what was happening.

O. said she witness the events from about 10 feet, looking at slightly forward angle.

O. said she did not hear anything that the victim or officers were saying. She said she believes she heard, possibly from the Hispanic male (the one she believes was TASERED) something to the effect of "No, no, no".

When asked if she could see the victims hands she said "No, well I saw the victim's hands, they were at one point, they were like behind his back, he was definitely restrained". When asked if she saw the officers hands O. said she saw the dark haired officer's hand on his gun, she did not pay attention to the other officers.

When asked what the officers did after the victim was shot, O. said the train quickly pulled away.

When asked if O. had seen any weapons at all that evening, O. said no, neither from the officers or the suspects being detained. She did not see any TASERS. O. went on to say that she could barley see the officer's gun as it was obstructed by the his hand.

O. said she didn't think what she saw was right and that it was upsetting to everyone. O. said that she did not know any of the involved parties, either the detained subjects or the officers.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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BART POLICE DEPARTMENT
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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-06-09 1409

APPROVED BY:

AF 547 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-09-09 1145

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT**WITNESS STATEMENT**

M [REDACTED] A [REDACTED] S [REDACTED]

On 01-05-09 Lt. G. Cagaanan #L18 took a phone message from a witness of the events at the Fruitvale BART Station on 1-01-09. The witness, M [REDACTED] wished to tell what he had observed. S [REDACTED] name and phone number were given to me.

On 01-06-09 about at 0810 hours I briefly spoke with S [REDACTED] on the phone. S [REDACTED] agreed to meet with me at the Castro Valley BART Police office later in the afternoon to give a statement.

On 01-06-09 about 1600 hours I meet with witness M [REDACTED] S [REDACTED] at the Castro Valley BART Police office.

In summary S [REDACTED] told me the following:
I asked why S [REDACTED] had waited to call until 01-05-09 to report what he had seen and S [REDACTED] replied because of the negative light being shed on the police officers. The officers were being shown as villains and the victim/suspects as innocent angels, when there was a much larger picture than what was shown on TV. S [REDACTED] said that he had only seen a brief newscast on 01-01-09 about the events and then had seen the a 2nd newscast on the evening of 01-05-09, blowing things out of proportion against the officers. He had originally not called because he figured we had enough witnesses and information, but was upset by the portrayal in the news and

REPORTING OFFICER(S)

J. Power 489

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01-09-09 1145

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AF 547 1-11-09

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1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting, OIS			
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland CA 94607		5. PHONE 510-464-7000	
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<p>decided to call in and give his view of what he saw.</p> <p>S [REDACTED] and his girlfriend boarded a Dublin bound train at the Civic Center BART. They boarded a car somewhere mid consist and sat in the first seat, against the bulk head, on the lead end (so that they were looking back towards the rear of the train). I showed S [REDACTED] a diagram of a BART train car and of the Fruitvale BART platform. I had S [REDACTED] indicate to me where on the train he was sitting (he indicated in seat #35) and on the platform where the incident occurred. S [REDACTED] was not positive about the location on the platform, without the reference of some support columns, but did indicate it was on the platform between the escalator and elevator.</p> <p>S [REDACTED] said the train was crush load, with no room to move. After the train departed the Lake Merritt Station, S [REDACTED] saw three subjects, who were later detained on the Fruitvale platform, walking through the train. He described them; one as a black male, wearing black clothing (pants and shirt), one a black male, possibly mixed race, with a pony tail, and the last with really short hair, wearing a green puffy jacket- S [REDACTED] said he saw this subject run down the stairs and leave the station when the train stopped and the officer arrive. He said these subjects were walking the train and thought they could possibly be intoxicated. S [REDACTED] said one was carrying a Vitamin water bottle, but the content was not water-it had a whiskey colored appearance and he could smell alcohol (stronger than the rest of the train car). The males were being loud and making some sort of comment about someone in the car they had just come from and the way that person smelt. One continued forward and two returned to the car they had just come from.</p> <p>Just as the train was pulling into the Fruitvale station, a fight broke out in front of the doors nearest to him. S [REDACTED] said he could not see who was in the fight as the train car was too crowded. The train stopped and the doors opened and the fight subsided. Two officers were on the platform waiting for them; one male (possibly Hispanic, 6'00", large build, dark hair with a crew cut) and one female (possibly Caucasian, with</p>					
REPORTING OFFICER(S) J. Power 489		RECORDING OFFICER J. Power 489		DATE / TIME PREPARED 01-09-09 1145	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS 471-11-09 COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:			

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<p>a pony tail and brown hair).</p> <p>The officers had three subjects sit down. Four other subjects came off the train, possibly trying to make a diversion so their buddies could run. The two officers were trying to control about 8 subjects. The officers' attention were drawn away from the three suspects sitting, towards the four that had got off the train. When this happened, one of the detained subjects got up and ran back onto the train. The male officer was upset and followed, with his eyes, the male who ran on the train. The officer went to the car where the male was and off boarded this subject, with the subjects arm behind his back. S[REDACTED] said the guy was mouthing something to the officer and the officer took the suspect to the ground.</p> <p>At this point S[REDACTED] related how at first he did not think it was that big of a situation, until right when he rolled up and saw that both of the officers had TASERS drawn. S[REDACTED] thought "oh wow someone's gonna get tasered". S[REDACTED] says he felt like the guys (the ones who off boarded the train, not the ones detained) were trying to challenge the officers. S[REDACTED] says he had the best view of the undetained subjects, not the ones detained. S[REDACTED] say he felt like the undetained guys had a crowd of people watching them and they were using that crowd. When the officer dropped the subject to the ground (the one he pulled off the train), the four really started yelling. S[REDACTED] relates how after the one subject was dropped to the ground, he realized he did not have to worry about him, and turned his attention to the four subjects on the platform. S[REDACTED] said he was thinking these guys would be pulling guns and there was going to be an all-out shoot because of the motions the males were making. It turned out that they were all pulling out cell phones. S[REDACTED] remembers thinking "this is not good, this is not good". S[REDACTED] feared for his own safety. People were yelling for the BART driver to get out of there, and he didn't want to get shot by stray gunfire.</p> <p>S[REDACTED] heard the shot and didn't think it was very loud, he just thought someone was TASED. It wasn't until the next day that he found out the guy had been shot.</p>				
REPORTING OFFICER(S) J. Power 489		RECORDING OFFICER J. Power489	DATE / TIME PREPARED 01-09-09 1145	APPROVED BY: AFS471-11-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input checked="" type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin: 0;">POLICE REPORT</h1> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-09-09 1145	
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242 PC, 148(a)(1) PC		Battery, Resisting, OIS			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Pirone, Anthony		800 Madison Street, Oakland CA 94607		510-464-7000	
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<p>Up to this point S [REDACTED] had only seen the two officers on scene. He then saw another officer run up and tackle one of the subjects who was challenging the officers.</p> <p>S [REDACTED] says everyone was still yelling for the train to depart, and then the doors finally closed, and that is when he saw additional officers.</p> <p>S [REDACTED] said he never saw the guy get shot, and he never saw any officer with their fire arms drawn, the only weapons he ever saw were the first two officers with their TASERS out. S [REDACTED] does not know what officer fired the shot.</p> <p>S [REDACTED] again states how he thought the guys on the platform challenging the officers were trying to give the detained subjects an opportunity to run.</p> <p>S [REDACTED] describes the demeanor of the crowd on the train (prior to the shot) as split. Some were "like cool we're gonna get to see a show" and others, such as himself, as, "let's just go, I just want to get home".</p> <p>S [REDACTED] described the demeanor of the crowd on the platform as just those that were trying to challenge the officers.</p> <p>S [REDACTED] describes the demeanor of the officers as "scared, because it was an outnumbered situation".</p> <p>S [REDACTED] says he was scared, his girlfriend was scared shitless, and all the people around him on the train (who could see what was happening on the platform) were scared (this is all prior to the shot). S [REDACTED] said he was just looking at the crowd for a gun to be drawn, and where he could duck.</p> <p>I asked S [REDACTED] if he feared for the safety of the officers and he said "No, they were armed, I was not. They were my only line of defense at</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
J. Power 489		J. Power489		01-09-09 1145	
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FEB 23 2019

SB1421

RELEASED TO: **SAP J-265**
 BART POLICE DEPARTMENT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-09-09 1145

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

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Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

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that point".

I asked S [REDACTED] about the demeanor of the detained suspects and about the victim who was shot. S [REDACTED] said he saw them as the train was leaving, and he still thought that the victim had been tased, even though the woman sitting next to him was saying "they shot him, they shot him". He didn't describe their demeanor. The last he saw of the victim he was on his stomach and the officers had his hands behind his back and they were trying to cuff him.

S [REDACTED] said there was so much noise between the officers and suspects yelling, and being behind the glass of the train, everything was muffled and he was unable to make out what anyone saying.

When asked about the officers' actions, if it was appropriate, or inappropriate, S [REDACTED] said "The beginning part of it no". S [REDACTED] describes how the officer who boarded the train to remove the suspect was "Beyond pissed" and was screaming at the suspect. The officer attempted to get the guy to go down, but the suspect was refusing, and it was like a battle of the wills, or a pride thing, with neither of them wanting to back down, and neither of them wanted to give in. S [REDACTED] says he could tell from the officer's body language that he was telling the suspect to get to the ground and then the officer had to slam the suspect onto the ground. This is where he remembers thinking he does not have to worry about this subject as he is detained, but at that point realizes there is only the one female officer now, and thinking "shit, this not going to be good" and then he heard the shot, and another officer may have come up from another way and was helping with that.

After the shot, S [REDACTED] says it was about 3-5 minutes before the train departed. During this time, the only other police officer he saw was the one who tackled the guy. He recalls how he saw other officers attending to the victim as the train was departing.

On 01-09-09 about 1030 hours I recontacted S [REDACTED] to get the correct

REPORTING OFFICER(S)

J. Power 489

RECORDING OFFICER

J. Power489

DATE / TIME PREPARED

01-09-09 1145

APPROVED BY:

AFS471-11-09

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POLICE REPORT

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spelling of his girlfriend's name. S [REDACTED] told me his girlfriend's name is M [REDACTED] F [REDACTED]. He said F [REDACTED] really did not see much, as he was holding her and she was keeping her head down. I asked for her contact information and S [REDACTED] declined to give it. I requested that he have F [REDACTED] contact us.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

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J. Power 489

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DATE / TIME PREPARED

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AF 547 1-11-09

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Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Evidence Supplemental

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Recovery of evidence items from Coroner's office

NARRATIVE

On 01-07-09 I was requested by BART Det. J. Enriquez to recover evidence items from the Alameda Coroner's office.

I meet with R.L. Kujawski of the Coroner's Office at 480 4th street in Oakland. Kujawski turned over to me two bags, containing eight items of evidence. I booked these item into evidence locker 7 at the Lake Merritt BART Police office.

CONTROLLED DOCUMENT
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CONTROLLED BY LAW

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ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

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BY OFFICER

J. Power 58083

DATE/TIME

01/09/2009 16:21

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/10/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

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01-13-09 0950

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DETECTIVE SUPPLEMENT

WITNESS STATEMENT

K [REDACTED] J [REDACTED]
[REDACTED]

CONTROLLED DOCUMENT
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On 01-07-09 about 1030 hours I spoke with K [REDACTED] J [REDACTED] on the telephone. Jackson was a passenger on a BART train close to the time that the events at the Fruitvale Station occurred.

In summary J [REDACTED] told me the following:

J [REDACTED] told me that he and a friend, T [REDACTED] G [REDACTED] boarded a Dublin bound train at the Civic Center BART Station around 0130-0145 hours on 01-01-09. J [REDACTED] said that when the train arrived at the Montgomery Station 7-8 black males, 20-22 years old, boarded his train car. J [REDACTED] said they were pretty rowdy. As the train was approaching the Lake Merritt Station people began to line up at the door to exit the train. J [REDACTED] was standing in front, then a white male and his girlfriend (about 25 years old) behind him, and then the group of 7-8 black males who boarded at Montgomery. One of the black males started to push the white male and his girlfriend. The white male told him to watch it. The black male replied "You really don't know how many of us niggas are back here". The black male turned and counted 7, then turned back to the white male and said "Oooww, you fucked now, you gonna get your throats cut".

J [REDACTED] was only able to describe the main aggressor as with braided hair and a diamond grill (teeth). He also described another as having a large gold watch on. J [REDACTED] was unable to give any other description, only that 4-5 were wearing black hoodies, and flamboyantly dressed.

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-1309 0950

APPROVED BY:

AFS47 1-15-09

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<p>J [REDACTED] said a shoving match ensued, and that it was chaotic. J [REDACTED] says it looked like the male was being held back and possibly punched; also the female may have been punched. The train arrived at the Lake Merritt Station and the melee continued for about 30 seconds. The white male and his girlfriend off boarded the train, as well as J [REDACTED] and G [REDACTED]. The train departed with the black males still on board.</p> <p>On 01-10-09 I recontacted J [REDACTED] to clarify when he boarded the train. J [REDACTED] told me between 0130-0145 hours. I asked J [REDACTED] to clarify flamboyantly dressed, as this is not how I would describe someone wearing a black hoody, and he said with accessories (jewelry and things).</p> <p>At this time, without knowing what train J [REDACTED] boarded, I cannot determine if J [REDACTED] was on the same train as Grant and his group.</p>				
<p style="color: red; font-weight: bold; transform: rotate(-5deg);"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </p> <p style="color: red; font-weight: bold; transform: rotate(-5deg);"> FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </p>				
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DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:		
				APPROVED BY: AF S47 1-15-09

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☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-11-09 1349

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242 PC, 148(a)(1) PC

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DETECTIVE SUPPLEMENT

WITNESS STATEMENT

M [REDACTED] T [REDACTED]
[REDACTED]

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CONFIDENTIAL

On 01-07-09 about 1158 hours M [REDACTED] T [REDACTED] left a message on the BART Police investigations unit general voicemail box. T [REDACTED] stated he had been a passenger on the lead car the morning of 01-01-09, at the Fruitvale Station and wished to give a statement regarding what he had seen.

I spoke briefly with T [REDACTED] on 01-08-09 about 1230 hours. T [REDACTED] told me that he had seen the officers attempt to detain several subjects, and a chaotic scene on the platform. He heard the shot go off, but never saw a weapon, who did the shooting, or the victim. T [REDACTED] agreed to meet me on 01-09-09 at 1300 hours at the Lake Merritt BART Police office to give a statement.

On 01-09-09 about 1245 hours I met with T [REDACTED] at the Lake Merritt BART Police office. I recorded T [REDACTED] statement about the events he had seen on 01-01-09, while on board a Dublin bound train traveling between the Embarcadero Station to the Fruitvale Station.

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-11-09 1349

APPROVED BY:

AFS47 1-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

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☐ OTHER:☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-11-09 1349

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☐ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
 OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC, 148(a)(1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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In summary T [REDACTED] told me the following:

T [REDACTED] told me that he is the General Manger of American Medical Response (AMR) for Alameda County. In this capacity he has had a working relationship with BART administration in dealing with AMR's contract with BART. T [REDACTED] stated he has never had any contact with the BART Police.

When asked how T [REDACTED] felt about Law Enforcement in general, T [REDACTED] said he thought police officers had a tough, thankless job.

I asked T [REDACTED] why he had waited until 01-07-09 to call about what he had seen. T [REDACTED] answered he wanted to wait until the media attention had died down but when things did not calm down, that is when he called. T [REDACTED] said he wasn't sure how much help he could be as he did not see the shooting, but felt he could lend background information leading up to the shooting.

T [REDACTED] said he, his wife (V [REDACTED] R [REDACTED]), step-son (J [REDACTED] R [REDACTED]), and step-son's girlfriend (only known to him as K [REDACTED]) boarded a Dublin bound train at the Embarcadero Station. They boarded the lead car and he was standing near the first set of doors (closest to the train operator). T [REDACTED] said they were returning from a bay cruise and that his wife, step-son and stepson's girlfriend were intoxicated; they had been drinking alcohol from about 2100-0100 hours. T [REDACTED] said he was sober as he does not drink. T [REDACTED] does wear glasses and had them on at that time.

The train they were riding on stopped at the Oakland West Station and a group of people boarded their car. He described them as about 12-14 people, late teens to early twenties, mostly males and a few females, of different races. T [REDACTED] was able to describe a few of the subjects; one

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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input checked="" type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin: 0;">POLICE REPORT</h1> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-11-09 1349
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting, OIS		
3. VICTIM'S NAME - LAST, FIRST, M.I. Pirone, Anthony		4. ADDRESS 800 Madison Street, Oakland CA 94607		5. PHONE 510-464-7000
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<p>was tall (6'05"), light-skinned, black male, wearing a ball cap, with facial features similar to comedian Sinbad, another was a white male, with short reddish hair, medium height, one a black male, about 5'07", with shoulder length braids, wearing a light colored shirt or jacket, and a female, young Latina, long black hair, wearing a leather jacket.</p> <p>When this group boarded, he remembered them saying something to the effect of that they had gotten off of the last train because people were arguing. The group had said that they did not feel like dealing with it, as the train was too crowded, so they got off that one and boarded the one T [REDACTED] was on. J [REDACTED] asked them if they (the group that had just boarded) were involved in the argument, and they responded "No". T [REDACTED] said he recalled the white male saying something to the effect of "We've got John or Jason (T [REDACTED] was unsure of the name) with us, so nobody gives us a hard time when he is with us".</p> <p>The train pulled into the Lake Merritt Station and about half of this group off boarded and half stayed on the train. They argued back and forth on whether to get off the train or remain on, and they held the doors open so the train could not depart. Eventually they all re-boarded the train, towards the rear of his car.</p> <p>As the train departed the Lake Merritt Station, a commotion broke out towards the rear of the car T [REDACTED] was in. T [REDACTED] did not see who was involved as everyone in the car stood up and blocked his view. T [REDACTED] believes it was some of the group who had boarded at the Oakland West Station. T [REDACTED] said he did not know if there was a fight. He heard a lot of yelling and screaming, and thought there was some pushing and shoving. This continued until the train arrived at the Fruitvale station.</p>				
REPORTING OFFICER(S) J. Power #489		RECORDING OFFICER J. Power #489	DATE / TIME PREPARED 01-11-09 1349	APPROVED BY: AF 547 / 11-09
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When the train arrived at the Fruitvale station, the group that had boarded at West Oakland exited from the rear of the lead car.

T █████ realized that the train might be delayed and considered taking a cab from there. He looked out of the train car and could see two groups yelling and screaming at each other. One group was the group from his car and he could not see the second group (he assumed they had come off another car). He did not see any police officers at this point.

After a couple of minutes, the yelling and screaming had calmed down and T █████ looked out again. He now saw about three police officers. T █████ described them; one tall, with short cropped hair (brown or possibly black), another as a woman, long hair pulled back, and a third who appeared to be balding, with very short hair, buzzed cut.

The tall officer came and spoke with the train operator. The other officers were standing about one car down (near the second car) talking with some individuals. The commotion had died down some. There were still a few people yelling, but not like the great groundswell before the officers had arrived.

A big commotion again erupted on the platform, with a lot of yelling and screaming. T █████ looked out of the train doors and could see a commotion over by a glass wall. T █████ could only see the tall officer (who had gone to speak with the train operator), and then he saw the two other officers standing with a group of people. The group was yelling with another group that was closer towards his car. T █████ says there was a third group of people, even further down the platform (closer to the third car), who were yelling also.

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I asked T [REDACTED] what it appeared that the officers, dealing with the detained subjects, were trying to do. T [REDACTED] replied it appeared that they were trying to keep them back, from going over to the other subjects by the wall (closer to where he was). T [REDACTED] said it appeared that the detained subjects were standing, but he did not have a good view.

T [REDACTED] said he looked back in and told his wife that he felt there were not enough police officers, that there were too many people on the platform, that it was getting out of control.

T [REDACTED] again looked outside and it did not appear that there was any change. They just stood there for a few minutes waiting and things (the yelling) would escalate and then calm down.

T [REDACTED] could not tell who was yelling or what was being said.

I asked T [REDACTED] about his personal safety and he replied he felt safe, but was concerned for the safety of the officers. He felt they were in danger because there were too many young adults on the platform yelling and screaming.

I asked about the demeanor of the police officers, and T [REDACTED] said they were like police officers, trying to exert some authority, trying to exert some control.

I asked about the demeanor of the crowd and T [REDACTED] said in his car there was a lot of yelling and screaming, even after the one group got off the train. T [REDACTED] tells about a Latina woman who was yelling at people on his car for no apparent reason. He did not know if she was related to the group on the platform.

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T [REDACTED] said the demeanor of the group on the platform was that they were all yelling, screaming, and agitated, but he did not know why.

At this point T [REDACTED] heard the gunshot, and did not look back out of the door again.

T [REDACTED] could not tell where the gunshot had come from, but assumed it was from a police officer, as it was only one shot. If it were someone else shooting he thought he would have heard more shots, as the police would have been returning fire.

I asked T [REDACTED] if he had seen any weapons that night and he said the only weapon was the female officer had a gun or a TASER drawn.

I again asked T [REDACTED] about the demeanor of the police officers and he said they appeared like they were trying to exert authority and it wasn't working. They were telling these people to calm down, sit down, or something, and the people were not following what the police officers wanted them to do; they just kept yelling.

I asked about the officers' actions, if they were appropriate or inappropriate, and T [REDACTED] responded that he felt they were appropriate for the situation, they were desperately trying to keep these groups of people apart and get control of a situation he felt was almost out of control.

T [REDACTED] said he viewed the events from about the following distances: the first group about 70 feet, the second group 90-100 feet, and the third group about 150 feet.

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T [REDACTED] said he had not watched much news coverage about the shooting, although on the evening of 01-08-09 he did see a video of the shooting. T [REDACTED] had watched news coverage of the riot in Oakland on 01-07-09. T [REDACTED] said he had spoken with A [REDACTED] R [REDACTED] (an employee of his) who also witnessed the events. T [REDACTED] said he did not see what she saw and she did not see what he saw. T [REDACTED] said what R [REDACTED] related to him about the events did not affect or influence his view of the events.

At the conclusion of the interview I showed T [REDACTED] six, six pack photo line-ups of several subjects who were detained on 01-01-09 at the Fruitvale BART Station. I read T [REDACTED] the BART Police Department photographic line-up admonition. T [REDACTED] acknowledged that he understood and signed the form. T [REDACTED] was unable to identify anyone from the photos shown as someone he had seen on 01-01-09.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

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DETECTIVE SUPPLEMENT

WITNESS STATEMENT

K [REDACTED] V [REDACTED]

[REDACTED]

 CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

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On 01-11-09 about 1210 hours Detective T. Smith #374 and I contacted K [REDACTED] V [REDACTED] at her home in Hayward. V [REDACTED] was a witness to the events at the Fruitvale Station on the morning on 01-01-09. V [REDACTED] video recorded the events, and that video had been played on newscasts. V [REDACTED] agreed to give us a statement.

V [REDACTED] voluntarily accompanied us to the Hayward Police Department where we made a video recording of our interview with her.

In summary V [REDACTED] told us the following:

On 01-01-09 V [REDACTED] and several friends (J [REDACTED] W [REDACTED] C [REDACTED] D [REDACTED] J [REDACTED] M [REDACTED], E [REDACTED] R [REDACTED], someone by the name of K [REDACTED], and another male who she did not know the name of) were enroute back to the South Hayward BART Station. They boarded a Dublin bound train at the Embarcadero Station, returning from New Year's celebrations. V [REDACTED] said she had not been drinking, and was not wearing glasses as she has 20/20 vision.

I asked V [REDACTED] about her feeling towards the police and she responded in a neutral way, saying she has nothing against cops, but has seen "wrong things", "dirty things", done by cops. V [REDACTED] has never had any interaction with BART police before.

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V [REDACTED] said while in San Francisco she saw Oscar Grant and his group of friends walking with the father of her child (A [REDACTED] M [REDACTED]). She made note of one male in the group she described as mixed race black/Filipino male with braids. V [REDACTED] never had any contact with this group while she was in San Francisco, nor had she ever seen them before.

V [REDACTED] next saw the same group (the ones she had seen in San Francisco with A [REDACTED] M [REDACTED]) when the train she was riding on came to a stop at the Fruitvale BART Station.

V [REDACTED] first saw the police officers at the Fruitvale Station when the police officers were telling the males to off board the train. V [REDACTED] only saw two police officers at this time. She described the officers as a white male, dark colored short hair with more on top (Officer Pirone), and a female officer with highlights in her hair, and her hair pulled up (Officer Domenici).

V [REDACTED] saw Officers Pirone and Domenici had about 5 suspects line up against a wall and the officers were calmly talking to them (mostly Officer Domenici). V [REDACTED] had been video recording this incident for a couple of minutes. V [REDACTED] said this just seemed routine so she shut off her video camera.

V [REDACTED] said she heard the police officers giving the detained males orders; to get off the train, line-up, shut -up, get on your knees.

V [REDACTED] said the detained males were doing as they were told. **SP1421**

V [REDACTED] told us about 4-5 other males got off the train. V [REDACTED] said it appeared that the males got off the train to harass the police officers. The males were yelling at the police officers and saying things to the effect of "That's my cousin, that's my cousin" and yelling other comments at the officers. The males were standing around, trying to gather up around the officers. It looked to V [REDACTED] that this was irritating the officers. The officers were telling the males to back-up and that is when

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more officers arrived on scene.

The new officers stood there protecting the scene in case the other males were going to try and do something. This portion was unrecorded on her video. V [REDACTED] said it just looked like any other police detention.

At this point V [REDACTED] told me that she initially recorded for about 2-3 minutes and then there is a 5-7 minute gap before she begins to re-record.

V [REDACTED] begins to re-record when the undetained males started getting loud again. V [REDACTED] said the undetained males were making it hard for the officers.

V [REDACTED] said the noise level was loud, the males were cussing out the police officers again, and she started to video again. She was taping the suspects who were detained against the wall.

V [REDACTED] said at this point the suspects were still standing against the wall. One of the suspects said something to Officer Domenici, or got rowdy with her. V [REDACTED] said Grant put his hand up to the other male's chest in order to tell the male to back up, don't step up to her, don't get loud with her, trying to get him to calm down.

V [REDACTED] said Officer Domenici must have felt unsafe and a male officer ran up and grabbed Grant by the throat, and said something to Grant. V [REDACTED] couldn't tell what was said but thought it was something like don't touch her. Grant was placed against the wall and he raised his hands. The officers directed Grant and the others sit down. Grant slid down with his back against the wall.

V [REDACTED] said she was holding her camera out in front of her and was looking all around because there was so much commotion all around her. She described the situation as hectic; there were cops involved and rowdy people. V [REDACTED] said she thought the undetained males were going to start a riot. V [REDACTED] said the detained males were acting calm though.

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242PC, 148 (a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

V [REDACTED] said she saw Officer Domenici with a TASER drawn and pointing the laser at the detained suspects, moving it from one to the other. V [REDACTED] said then all of the detained males began to get handcuffed.

V [REDACTED] saw Grant get placed on the ground and the police officers were trying to restrain him. There were two officers, one at this feet and one at this head. V [REDACTED] said Grant was cooperating. V [REDACTED] said she was viewing all of this from outside of the train, about 10-15 feet away.

The police officers were trying to handcuff Grant, and were handling him rough. About this time another subject (the mixed race black/Filipino male from earlier in the evening) got tackled and arrested at her feet (three feet away). This drew her attention away from the group at the wall getting handcuffed, and she looked down at this.

While she was looking down V [REDACTED] heard the gunshot and looked back over to where the detained males were. V [REDACTED] could see the smoke from a gun, but did not see any firearm.

V [REDACTED] could see Grant breathing hard and realized he had been shot. V [REDACTED] got back onto the train and shut the camera off. The train doors closed and the train departed.

V [REDACTED] said when she was looking at Grant, prior to her being distracted before the shot; she last saw Grant's hands behind his back. V [REDACTED] says he voluntarily placed his hands behind his back. V [REDACTED] said she never saw Grant restrained in handcuffs.

V [REDACTED] did not hear the police officers give the undetained males any orders: with the exception of one police officer telling them to back up.

When asked about the police officers' actions V [REDACTED] said not all of the police officers were acting the same. Some were appropriate, some a little more aggressive with cussing, yelling, and being rude. V [REDACTED] said

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-12-09 1429

APPROVED BY:

AFS47 1-15-09

DISPOSITION:

☒ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES

☐ TAG

☐ SET

☐ TRAFFIC

☐ BART SAFETY

☐ BART INSURANCE

☐ OTHER:

☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-12-09 1429

1. CODE SECTION(S)

242PC, 148(a)(1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

4. ADDRESS

800 Madison Street, Oakland CA 94607

5. PHONE

510-464-7000

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the officer who did the shooting was not being aggressive, although he was pretty aggressive when trying to handcuff Grant.

V [REDACTED] said the officer who shot Grant had a surprised, dumbfounded look, like he was in shock. After the shot, he stood there a few seconds trying to take in what had just happened. He had placed his hands to his head.

After the shot, the two officers turned Grant over to check on him. V [REDACTED] was uncertain what they were checking. She did not think they were checking to see if he was shot; that was obvious, they may have been checking to see if he was alive, or how he was reacting from the gunshot. V [REDACTED] said it looked like Grant was trying to say something to them.

V [REDACTED] she said she did not see them searching Grant for anything.

V [REDACTED] told us she gave the video to attorney John Burris who was going to make a copy of it and then return the video to her. V [REDACTED] said once she again had the video she would allow us (BART Police) to make a copy of it. V [REDACTED] said she only has the one copy, she never made any additional copies for herself.

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FEB 23 2019

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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-12-09 1429

APPROVED BY:

AF 347 1-15-09

DISPOSITION:

☒ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES

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☐ TRAFFIC

☐ BART SAFETY

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☒ FOLLOW-UP / SUPPLEMENT
☒ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-15-09 0935

1. CODE SECTION(S)

242PC, 148(a)(1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting, OIS

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, Anthony

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DETECTIVE SUPPLEMENT

WITNESS STATEMENT

R [REDACTED] P [REDACTED]
[REDACTED]

On 01-12-09 about 1021 hours I spoke with BART Station Agent R [REDACTED] P [REDACTED]. P [REDACTED] was the on-duty Station Agent on 01-01-09. P [REDACTED] gave me a recorded statement of her account of the events.

In summary P [REDACTED] told me the following:

On 01-01-09 P [REDACTED] was the on duty Station Agent at the Fruitvale BART Station. P [REDACTED] has been a BART employee for about 1 ½ -2 years, always as a station agent. P [REDACTED] became a full-time station agent on [REDACTED]. The Fruitvale Station is her normal work location. P [REDACTED] told me that she has both normal vision and hearing. P [REDACTED] said she had not consumed any drugs or alcohol 24 hours preceding the New Year's incident.

I asked P [REDACTED] if she had seen any video footage of the shooting and she responded "No". P [REDACTED] said she always turned the television off when reports came on.

P [REDACTED] told me that on 01-01-09 between 0200-0215 she was working as the on

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power#489

DATE / TIME PREPARED

01-15-09 0935

APPROVED BY:

AFS47 1-16-09

DISPOSITION:

☒ PENDING

☐ CLOSED

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COPIES TO:

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

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0901-0027

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duty Station Agent at Fruitvale. P[REDACTED] was in the agent's booth watching the video monitors. BART COMSPEC had called to tell her that a train was going to hold on platform 1 as there was a fight on board that train. P[REDACTED] said she already had two police officers at the station (Officer's Pirone and Domenici) as there had just been a fight down on the concourse level. The officers had just placed one of the involved suspects from that fight in the back of their patrol car.

As she was speaking on the telephone with COMSPEC, P[REDACTED] saw Officers Pirone and Domenici run past her, heading for the platform. Pirone was saying "We gotta go, we gotta go, they're holding a train upstairs".

P[REDACTED] informed COMSPEC that the officers were enroute to the platform. COMSPEC inquired if she had a radio and P[REDACTED] told them she did not. COMSPEC advised to stay by the phone as they would keep her abreast of what was going on and she informed COMSPEC she would be watching via video monitor.

P[REDACTED] watched via the monitor, as Officer's Pirone and Domenici arrived at the train doors. P[REDACTED] said it was like right when the train doors opened, Pirone and Domenici were in "like combat, just immediately".

P[REDACTED] said she doesn't know what happened or what transpired, but they were in an altercation with a few people. I asked if she meant a verbal or physical altercation. P[REDACTED] said it was physical.

P[REDACTED] could hear officer Pirone giving orders. P[REDACTED] said Pirone has a strong powerful voice, and he says things like he means what he says. Pirone was telling the suspects to either get down, or calm down, she couldn't tell exactly what. P[REDACTED] said she then heard Pirone calling on

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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power#489

DATE / TIME PREPARED

01-15-09 0935

APPROVED BY:

AFS47 1-16-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

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☒ FOLLOW-UP / SUPPLEMENT
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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

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the radio for back-up. P [REDACTED] said she heard Pirone saying "We need more back-up at Fruitvale".

P [REDACTED] remembers thinking, "Oh my god, oh my god, they're really fighting with the police". P [REDACTED] picked up the phone and called her Foreworker and Operations Supervisor. P [REDACTED] left messages on their lines that she was closing platform 1 because the patrons were fighting with the police and it was out of control. I asked P [REDACTED] to clarify fighting and she stated punches were being thrown.

P [REDACTED] was viewing this through her video monitor. The monitor is split 50/50, platform 1 and platform 2. The monitor is color, but shifts between color and black and white. P [REDACTED] said she was viewing this mostly in black and white. P [REDACTED] said the monitors are in a fixed position and she could not control the position of them.

I asked P [REDACTED] how many officers were there at this point and she said maybe 4, but then more came because it was getting out of control.

P [REDACTED] said she remembered looking at the monitor and saw 3-4 guys "on one officer". I asked for clarification on what she meant, and she said trying to fight one officer and he was trying to fend them off by waving his baton at them.

At this point P [REDACTED] said she saw patrons running back and forth from the stairs trying to see what was going on. P [REDACTED] left the agent's booth and told the patrons they had to leave the station.

P [REDACTED] returned to the booth and saw, via video monitor, that a male had been handcuffed and was lying on the platform. P [REDACTED] said the male

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J. Power #489

RECORDING OFFICER

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DATE / TIME PREPARED

01-15-09 0935

APPROVED BY:

AFS47 1-16-09

DISPOSITION:

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OAKLAND, CALIFORNIA 94607

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"flopped" around moving south on the platform until he was out of her line vision (off the monitor).

I asked P [redacted] if she could see any other officers and she said yes at the top of her monitor it looked like two other officers were trying to "bring somebody out".

P [redacted] heard lots of screaming, cussing and the police saying "get down", "stand down", "be still", or something to that. P [redacted] said she could hear the orders being repeated 4-5 times, continuous.

P [redacted] then heard the gunshot (about 0216). P [redacted] said she could not see the shot, it was out of her view from the monitor, but heard it out of her right ear. P [redacted] said it came from the direction of the south escalator.

Now people all started to run out of the station. P [redacted] had the grill (at the entrance to the station) half way down (to prevent people from entering). P [redacted] left the booth and went out to open the grill all the way up to let people quickly exit the station. P [redacted] said about 50 people exited.

I asked about anyone who was hanging around, and P [redacted] could only recall one light skinned, Hispanic female, with long curly hair, in a pony tail, wearing a tan or beige zip up hoody jacket. The female was saying "my man is up there", but it was unclear if he was up on the platform or involved.

I asked P [redacted] about the demeanor of the crowd before the shooting and she said "drunk, high, out of control, causing havoc". I asked about the demeanor after the shot and P [redacted] replied the same (drunk, high, out of control, causing havoc), but now they were saying "F" BART this and that.

REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power#489

DATE / TIME PREPARED

01-15-09 0935

APPROVED BY:

DFS 471-1609

DISPOSITION:

☒ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

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☐ BART SAFETY

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POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-15-09 0935

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P [REDACTED] said she recognized some of the people there as some of her regular patrons. P [REDACTED] does not know any of them by name, just by face.

I asked P [REDACTED] if she ever went up to platform 1 and she responded no, but she had gone up to platform 2 to close it (2-5 minutes after the shot). P [REDACTED] said platform 2 was empty, and she had a clear view of platform 1. Fire and EMT were there working on Grant.

When asked about any other BART employees who may have been there P [REDACTED] said Station Agent D [REDACTED] W [REDACTED] was there, but was outside near Powder Face. P [REDACTED] said after the shooting two of her Operations Supervisor (she thinks both of their names are I [REDACTED]) were there, and a BART Media guy.

P [REDACTED] said she never saw anyone (officers or suspects) with any weapons out, other than the officer fending people off with his baton.

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DUPLICATION OR REISSUANCE
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REPORTING OFFICER(S)

J. Power #489

RECORDING OFFICER

J. Power #489

DATE / TIME PREPARED

01-15-09 0935

APPROVED BY:

AFS47 1-16-09

DISPOSITION:

☒ PENDING

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COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE

☐ OTHER:

☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective supplement-witness statements

NARRATIVE

I (J. Power #489) interviewed the following witnesses at the listed date and time. I digitally recorded all interviews and burned a Memorex CD-R of the interview and booked it into evidence. I summarized each interview on a BART Police supplemental report form CR-2. Witness V [REDACTED] interview was video recorded and I made a DVD of the interview.

Name	Date	Time	Type
L [REDACTED]	01-03-09	1300	Phone interview
J [REDACTED]	01-03-09	1328	Phone interview
L [REDACTED]	01-05-09	1815	Personal interview
M [REDACTED]	01-06-09	1600	Personal interview
K [REDACTED]	01-07-09	1030	Phone interview
M [REDACTED]	01-09-09	1245	Personal interview
K [REDACTED]	01-11-09	1239	Personal interview (video recorded)
F [REDACTED]	01-12-09	1021	Personal interview

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019
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BY SAP I-265
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ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER J. Power 58083		DATE/TIME 01/19/2009 10:10	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/19/09
OFFICER		UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active

Supp-1-Power/58083 Entered by: John Power

APDC (Rev. 03/13/08) Print Date: 01/19/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 3

OFFENSE(S)

OFFENSE(S) cont'd

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

My trainee, G. Narcisse and I were detailed to Highland Hospital for a patrol watch detail of a subject who was fatally shot.

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE S	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX Grant, Oscar						ADDRESS 1		PHONE 1
RACE B	SEX M	HT	WT	HAIR	EYE	AGE 22	DOB	ADDRESS 2	PHONE 2	
OCCUPATION							INJURIES	ADDRESS 3	PHONE 3	
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>			AKA'S			ARRESTEE DISPOSITION		RELEASE LOCATION	ARREST DATE / TIME	
DL	STATE		ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		BOOKING #		WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	CITATION #	SS#	
CHARGES									CL#	

NARRATIVE

On 1-01-2009, I was in full police uniform preparing to start my shift as 1A10 in the City of Oakland, CA. I had a BART Police trainee, Officer G. Narcisse #564 with me. At about 0440 hours, Sgt. J. Ledford #S37 detailed Officer Narcisse and I to Highland Hospital to stand-by with a subject, later identified Oscar Grant, who had been shot. We were to relieve Officers B. Cruz #423 and F. Guanzon #517 who were already at the hospital. Further details were pending.

We responded from the Lake Merritt BART station with Officer Enerio #563 who was working on an unrelated case. We arrived at Highland Hospital at about 0500 hours.

Upon our arrival at the hospital, we were directed to an operating room on the 5th Floor where Grant was being treated. We were directed to a waiting area just outside of Grant's room.

At approximately 0515 hours, Grant was moved from the 5th Floor to the Intensive Care Unit on the 4th floor. While en route to the 4th Floor, Nursing Assistant Eva Mellion handed Officer Narcisse the expended bullet round that was recovered from Grant's body. I didn't fully examine the round but I saw that it was in a closed and sealed, plastic container, that had a white piece of paper with the name "Oscar Grant" written on it. Officer Narcisse

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> WAP <input type="checkbox"/> OTHER						
BY OFFICER D. Reese 57978		DATE/TIME 01/01/2009 18:06		APPROVED BY Mark Macaulay 55796			DATE APPROVED 01/01/09	
OFFICER		UNIT/SHIFT		ASSIGNED TO			CASE STATUS Active	

Supp-I-Reese/57978 Entered by: Darron Reese

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

2 OF 3

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

My trainee, G. Narcisse and I were detailed to Highland Hospital for a patrol watch detail of a subject who was fatally shot.

NARRATIVE

placed the container containing the round into his patrol bag. Officer Narcisse and I then waited in the hall while doctors continued to treat Grant.

While waiting, Grant was alive but unconscious. At about 0540 hours, Officer L. Bush #334 and Identification Technician Officer J. Vuong #486 arrived to photograph Grant's injuries.

At about 0640 hours, D.A. Investigator Frank Mochetti arrived and spoke to hospital staff.

At about 0713 hours, family members of Grant were allowed to see him. Grant remained unconscious during this time. Approximately 5 to 6 family members were allowed by hospital staff into the Intensive Care Area to see Grant. They were only allowed to enter two at a time. A black female adult, that I suspected to be Grant's mother, was bringing family members and/or friends in one at a time. The last visitors left at about 0745 hours.

At approximately 0905 hours, doctors began to frantically work on Grant.

At about 0913 hours, Grant was pronounced dead by Dr. T. W. [REDACTED] I was told by Doctor J. [REDACTED] W. [REDACTED] one of the attending physicians, that the cause of death was cardio pulmonary arrest, due to hemorrhagic shock, due to a gun shot wound to the chest (refer to Death Certificate for official cause).

At about 0915 hours, I telephoned Sgt. Ledford and informed him that Grant had passed.

At about 1005 hour Officer Narcisse collected a copy of the toxicology report and a copy of the death certificate.

Sheriff Deputy-Coroners and hospital staff moved Grant's body from the Intensive Care Unit to the Morgue at about 1000 hours.

Officer Narcisse and I left the hospital at about 1020 hours.

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ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER					
BY OFFICER D. Reese 57978		DATE/TIME 01/01/2009 18:06		APPROVED BY Mark Macaulay 55796		DATE APPROVED 01/01/09	
OFFICER		UNIT/SHIFT		ASSIGNED TO		CASE STATUS Active	

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

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Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

My trainee, G. Narcisse and I were detailed to Highland Hospital for a patrol watch detail of a subject who was fatally shot.

NARRATIVE

Back at the Lake Merritt Police Office, I witnessed as Officer Narcisse photographed, processed, and booked evidence item #GNARCIS-001, the expended round, and item #GNARCIS-002, a compact disc containing 9 images. Officer Narcisse booked the items into evidence locker #7.

Refer to Officer Narcisse's supplement report for complete details.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VVAP

☐ OTHER

BY OFFICER

D. Reese 57978

DATE/TIME

01/01/2009 18:06

APPROVED BY

Mark Macaulay 55796

DATE APPROVED

01/01/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE

V 1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

California, State of

ADDRESS 1

PHONE 1

OCCUPATION

RACE

SEX

AGE

DOB

ADDRESS 2

PHONE 2

DL

STATE

SSN

INJURIES

ADDRESS 3

PHONE 3

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
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BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER

D. Reese 57978

DATE/TIME

01/01/09 18:06

APPROVED BY

Mark Macaulay 55796

DATE APPROVED

01/01/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☐
Crime ☒
Non-Criminal ☐

CASE #
0901-0027

Person Profile

PAGE 1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PERSONS

Codes: V = Victim W = Witness S = Suspect A = Arrestee D = Detainee C = Complainant R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE

S

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

Grant, Oscar

DOB

[REDACTED]

This report contains Person Profile information only.
Please refer to the primary report(s) for additional information.

MO INFORMATION

BART Individual Type

Other

CLOTHING

CODE

V

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

California, State of

DOB

This report contains Person Profile information only.
Please refer to the primary report(s) for additional information.

MO INFORMATION

BART Individual Type

Other

Other

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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ADMINISTRATION

BY OFFICER D. Reese 57978	DATE/TIME 01/01/09 18:06	APPROVED BY Mark Macaulay 55796	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/2009 0700

1. CODE SECTION(S)

243.3/148.(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on train/Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St PO Box 12688 Oakland, CA

5. PHONE

(510) 464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01/01/2009 at approximately 0230 hrs I was working uniformed patrol at the Bay Fair BART station in San Leandro. At that time I saw a group of patrons, in front of the fare gates, gathered around an individual who was holding a small camera. The group appeared to be watching a video on the camera. I went over to see what was on the video that everyone was watching along with Officer Smith #382 and Lieutenant Forte L-12. The video apparently was of a shooting that had occurred approximately 15 minutes prior at the Fruitvale BART station. This group had apparently been on a train at the Fruitvale station when a subject, according to members of this group, had been shot by a BART police officer. I had been aware of an incident at the Fruitvale BART station via the radio but had not heard that it was an officer involved shooting. I tried to get a look at the video but I was in the back and could not see it very clearly. Lt. Forte was able to get a look at the video and thought it might have evidentiary value. I told Lt. Forte that I could possibly put the video onto one of the computers in the Personnel and Training offices which are located at the Bay Fair BART station. My thinking was the video could then be burned onto a DVD and submitted as evidence.

Lt. Forte and Ofc. Smith and I walked over to the Personnel and Training offices with a group of 5-6 subjects, one of whom had the camera in question and the others being his companions. The subject who owned the camera was cooperative and did not seem to have a problem with us burning a copy of the video for evidence. He removed the SD card from the camera and handed it to me. I soon found that the SD card in the camera did not fit any of the SD card slots in the Personnel and Training laptop computers and I was not going to be able to make a copy of the video.

I informed Lt. Forte that I would not be able to make a copy of the video and handed him the SD card from the camera. Lt. Forte explained to the

REPORTING OFFICER(S) <u>J. SANDOVAL S-41</u>	RECORDING OFFICER <u>S-41</u>	DATE / TIME PREPARED <u>01/12/2009 0700</u>	APPROVED BY: <u>AF 847 14509</u>
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED <input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE	OTHER: <u>ALCO DA</u>	
FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/12/2009 0700

1. CODE SECTION(S)

243.3/148.(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery on train/Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Pirone, A. #514

4. ADDRESS

800 Madison St PO Box 12688 Oakland, CA

5. PHONE

(510) 464-6000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

subject who had the camera that we would have to take the whole card as evidence. The group were all indentified by Lt. Forte and Ofc. Smith while I was attempting to find a computer with which to copy the video. I did not learn the names of any of these individuals and did not take any further action with regards to this case.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
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FEB 23 2019

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BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

SANDOVAL S-41

RECORDING OFFICER

S-41

DATE / TIME PREPARED

01/12/2009 0700

APPROVED BY:

AF S47 1-15-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

ALCO DA

☐ FAXED TO:

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Supplemental Report

OFFENSE(S)

**148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 1
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Supplemental report regarding the copying of a photo CD

NARRATIVE

DETECTIVE BUREAU SUPPLEMENTAL REPORT

ON WEDNESDAY, 01-07-09, I OBTAINED THE PHOTO CD SUBMITTED BY OFFICER SHIPLEY, EVIDENCE ITEM CSHIPLE-008, FROM THE EVIDENCE CLERK SAP. I MADE COPIES OF THE DISK FOR DISTRIBUTION TO THE RESPECTIVE AGENCIES WHO ARE BEING PROVIDED A COPY OF THIS CASE INVESTIGATION. THE ORIGINAL DISK WAS RETURNED TO THE EVIDENCE CLERK.

NO FURTHER ACTION.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

FOLLOW-UP YES <input type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER					
BY OFFICER H. Shabazz 57938		DATE/TIME 01/11/2009 07:36		APPROVED BY Alan Fueng 56615		DATE APPROVED 01/11/09	
OFFICER		UNIT/SHIFT		ASSIGNED TO		CASE STATUS Active	

Arrest ☒
Crime ☐
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Additional Crimes, Persons and Vehicles

PAGE 1 OF 1

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

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CONFIDENTIAL

ADMINISTRATION

BY OFFICER H. Shabazz 57938	DATE/TIME 01/11/09 07:36	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/11/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☒Crime ☐Non-Criminal ☐BART Police Department
800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Property and Evidence

CASE #

0901-0027

Page 1 of 1

OFFENSE(S)

§ 48 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; § 242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-008	E	1			Photos/prints	CD Disc		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL	LOCATION / BIN #				
	38772			LMA Locker 6				

DESCRIPTION

Containing 18 photographs of involved officers

☐ FIELD RECEIPT ISSUEDCONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
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BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER H. Shabazz 57938	DATE/TIME 01/11/09 07:36	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/11/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #

0901-0027

Page 1 of 2

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

On 1-1-09, at approximately 0250 hrs., I received a message to call Lt. Ledford #L-16. I contacted him via telephone and he instructed me to come to the Lake Merritt BART Station (LMS) Police Facility and collect Gunshot Residue (GSR) Kits from all the involved officers.

I arrived at LMS at approximately 0315 hours and made contact with Lt. Ledford. He wanted GRS kits collected from the following officers:

Ofc. Mehserle #544
Ofc. Pirone #514
Ofc. Domenici #496
Ofc. Woffendin #547
Ofc. Guerra #508
Ofc. Flores #552
Ofc. Knudtson #533

He also instructed me to take full body photographs of each officer in full uniform. Prior to collecting the GSR kits, I was contacted by Lt. Franklin #L-11 who stated that he wanted me to collect Ofc. Mehserle's department issue weapon, magazines, and ammunition. Lt. Franklin had a replacement weapon for Ofc. Mehserle prior to our contacting him. We met him in the presence of Ofc. Sekhon #456, BART Police Officers Association (BPOA) president. I collected Ofc. Mehserle's weapon, magazines and ammunition. He was provided with a replacement by Lt. Franklin immediately afterward. Ofc. Mehserle's weapon, magazines, and ammunition were examined and all ammunition counted. The weapon is a standard department issued Sig Sauer 226 semi automatic pistol with three magazines. There were 36 rounds collected with the weapon and magazine. The weapon, magazines, and ammunitions were packaged and placed into evidence (See Property/Evidence Tab for further information).

I contacted each officer and conducted a GSR collection process. Each of the GSR kits were sealed individually then placed into evidence envelopes. Two full body shots of each officer in uniform were taken and they transferred to a compact disc (See CSHIPLE 008 for further information). In addition to the full body pictures, additional photographs were taken of Ofc. Mehserle's hands, both tops and palms.

FEB 23 2019

SB1421

ADMINISTRATION

BY OFFICER C. Shipley 55334	DATE/TIME 01/01/2009 12:27	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 2 of 2

Narrative Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

ADDITIONAL INFORMATION: On Evidence Items CSHIPLE 004 -007, I noted that I did not fill out the GSR envelope seal. These items were originally placed into evidence envelopes and sealed at the following times:

CSHIPLE 004 1005 hrs.
CSHIPLE 005 1002 hrs.
CSHIPLE 006 0958 hrs.
CSHIPLE 007 0955 hrs.

These items were reopened, inspected and the seals completed. Sgt Ledford #S-37 witnessed the corrections and that they were valid. The items were placed into new evidence envelopes and re-sealed at the following times:

CSHIPLE 004 1059 hrs.
CSHIPLE 005 1056 hrs.
CSHIPLE 006 1054 hrs.
CSHIPLE 007 1051 hrs.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
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FEB 23 2019

**RELEASED TO: SB1421
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ADMINISTRATION

BY OFFICER C. Shipley 55334	DATE/TIME 01/01/2009 12:27	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 2

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

\$ 1,817.50

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-001	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38765					LMA Locker 6	
DESCRIPTION GSR kit collected from Ofc. Mehserie								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-002	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38766					LMA Locker 6	
DESCRIPTION GSR kit for Ofc. Domenici								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-003	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38767					LMA Locker 6	
DESCRIPTION GSR for Ofc. Guerra								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-004	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38768					LMA Locker 6	
DESCRIPTION GSR for Ofc. Pirone								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-005	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38769					LMA Locker 6	
DESCRIPTION GSR kit for Ofc. Woffinden								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-006	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38770					LMA Locker 6	
DESCRIPTION GSR for Ofc. Flores								
<input type="checkbox"/> FIELD RECEIPT ISSUED								
CSHIPLE-007	E	1			Trace Evidence	Gunshot Residue Kit	Alameda County	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38771					LMA Locker 6	
DESCRIPTION GSR for Ofc. Knudtson								
<input type="checkbox"/> FIELD RECEIPT ISSUED								

CONTROLLED EVIDENCE
RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
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FEB 23 2019

ADMINISTRATION

BY OFFICER C. Shipley 55334	DATE/TIME 01/01/09 12:27	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Evid-1-Shipl/55334 Entered by: Christopher Shipley

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 2 of 2

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE
\$ 1,817.50

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS (cont'd)

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-008	E	1			Photos/prints	CD Disc		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
	38772							
DESCRIPTION								LOCATION / BIN #
Containing 18 photographs of involved officers								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-009	E	1			Firearms	Sig Sauer	226	
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
UU615749	38773	\$ 900.00	\$ 900.00					
DESCRIPTION								LOCATION / BIN #
.40 S&W, blue steel, semi automatic 40 Semi-Automatic 4								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-010	E	12	SIL		Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
	38774	\$ 26.20	\$ 314.40					
DESCRIPTION								LOCATION / BIN #
Ammunition and magazine								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-011	E	12			Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
	38775	\$ 26.20	\$ 314.40					
DESCRIPTION								LOCATION / BIN #
.40 Cal ammo and Sig Sauer magazine								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-012	E	11			Ammo/explosives	Federal/Sig Sauer		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
	38776	\$ 26.20	\$ 288.20					
DESCRIPTION								LOCATION / BIN #
.40 Cal ammo and magazine								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
CSHIPLE-013	E	1	SIL		Ammo/explosives	Federal		
SERIAL NUMBER	BAR CODE	VALUE	TOTAL					
	38777	\$ 0.50	\$ 0.50					
DESCRIPTION								LOCATION / BIN #
Chambered round that was removed upon collecting the gun								LMA Locker 6
								<input type="checkbox"/> FIELD RECEIPT ISSUED

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019
RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER C. Shipley 55334	DATE/TIME 01/01/09 12:27	APPROVED BY Jason Ledford 55998	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Evid-1-Shipl/55334 Entered by: Christopher Shipley

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

OFFENSE(S)

(A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE W	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX L [REDACTED] C [REDACTED]	RESIDENCE [REDACTED]		CELL [REDACTED]
OCCUPATION Environmental Scientist	RACE A	SEX F	AGE 31	DOB [REDACTED]	ADDRESS 2 [REDACTED]
STATE [REDACTED]	SSN [REDACTED]	INJURIES [REDACTED]		ADDRESS 3 [REDACTED]	PHONE 2 [REDACTED]
				PHONE 3 [REDACTED]	

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER P. Slivinsky 57514	DATE/TIME 01/11/09 16:32	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/11/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

(A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 1
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURRENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
TCARTE1-007	E	6			Photos/prints	Photo line-ups		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38958					LMA Locker 1	

DESCRIPTION

Six six-person photo line-ups and admonition form containing the six detainees in this case. Given to L by

☐ FIELD RECEIPT ISSUED

#416

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
TCARTE1-008	E	6			Photos/prints	Photo line-ups		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38959					LMA Locker 1	

DESCRIPTION

Six six-person photo line-ups and admonition form containing the detainees. Given to T on 1/10/09 by Carter

☐ FIELD RECEIPT ISSUED

#416

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
TCARTE1-009	E	1			Miscellaneous	Supplement #1		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
		38960					LMA Locker 1	

DESCRIPTION

Pages 23-29 initialed by T on 1/10/09. Info contains his audio report by Carter #416.

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
TCARTE1-010	E	1			CD Recordings / Photos	CD-R		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 1	

DESCRIPTION

One CD containing follow up with L on 1/10/09 at 1530 hrs by Carter #416

☐ FIELD RECEIPT ISSUED

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
TCARTE1-011	E	1			CD Recordings / Photos	CD-R		
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
							LMA Locker 1	

DESCRIPTION

On CD containing a follow up interview with T on 1/10/09 at 1500 by Carter #416

☐ FIELD RECEIPT ISSUED

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP I-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER P. Slivinsky 57514	DATE/TIME 01/11/09 16:32	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/11/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest <input type="checkbox"/> Crime <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/>	BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Narrative Report	CASE # 0901-0027 Page 1 of 1
OFFENSE(S) (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; M 242 PC; Battery; Misd.		OFFENSE(S) cont'd.
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02
LOCATION OF OCCURENCE 3401 East 12th St, Oakland - 01 - - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION BEAT SECTOR
NARRATIVE <div style="height: 400px; border: 1px solid black; padding: 10px;"> <p>Memorandum to Rangemaster, Sgt. Paul Garcia, detailing the inspection of the firearm discharged in this incident.</p> </div>		
<div style="color: red; font-weight: bold; transform: rotate(-5deg);"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1471</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>		
ADMINISTRATION		
BY OFFICER P. Slivinsky 57514	DATE/TIME 01/11/2009 16:32	APPROVED BY Alan Fueng 56615
OFFICER	UNIT/SHIFT	ASSIGNED TO
		DATE APPROVED 01/11/09
		CASE STATUS Active

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Sgt. Paul Garcia
rev'd 1-10-09 & forwarded same

FROM: Off. P. Slivinsky 429

SUBJECT: Sig Sauer P226, serial UU615749

DATE: 1/05/09

On 1/05/09 at 1625 hours, I conducted an inspection of the above listed pistol. The inspection took place at the administrative office of the BART Police Department's evidence section. Sgt. T. Pashoian and clerk V. Sap were present.

After field stripping the pistol and removing the grip plates, I inspected and tested all safety features (firing pin safety, disconnecter and safety intercept notch on the hammer). All safety features were in order with no failures or excessive wear. The pistol was clean and in nearly pristine condition.

I conducted a complete function check of the pistol and found the pistol in perfect working order. I included a hammer push-off test with the hammer partially cocked to determine whether or not the hammer can slip off the sear and fall forward without the trigger being fully depressed. I was not able to force the hammer to lose engagement with the sear, which is as it should be.

I measured the trigger pull of the pistol using a set of NRA certified weights. The trigger pull of this double action only pistol is 6.5 pounds. According to the Sig Sauer Armorer's Manual, the trigger pull should measure 6.6 pounds. The difference is negligible and in no way affects the safe operation of the pistol.

I received my latest certification as a Sig Sauer Armorer in March 2006, and such certification is valid until March 2009.

It is my opinion that, when properly loaded with round chambered, this weapon can only fire as the result of the trigger being pulled completely to the rear.

Paul Slivinsky 429
BART Police Officer/Range Staff/Armorer
SBS B Platoon

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO:

BY SAP 135
BART POLICE DEPARTMENT
COMM. DIV.

SB1421
Rec'd 1/10/09
1330 hrs
Mute

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Supplemental Report

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Delivered 1GB memory card to Det. #456 along w/ witness FI cards

NARRATIVE

SUPPLEMENT:

On 1-1-09 about 0225 hours I was on uniform patrol at the Bayfair BART Station with Sergeant Sandoval #S-41 and Lieutenant Forte #L-12. A group of 5 black males flagged down Lt. Forte and told him they had video on their camera of the incident at the Fruitvale BART Station. The subjects played the video and were relocated to the Bayfair substation to obtain their personal information. Lt. Forte spoke to C [REDACTED] the owner of the Sony cybershot camera who shot the video and another individual who did not give his name. I obtained the personal information from B [REDACTED] [W2], B [REDACTED] [W3], and M [REDACTED] [W4].

Lt. Forte confiscated the blue San Disk 1GB memory card from C [REDACTED] as evidence, handed the disc to me and instructed me to deliver it to Detective Enriques #456 at the Fruitvale BART Station along with the personal information of the four witnesses.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

FOLLOW-UP
YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VVAP

☐ OTHER

BY OFFICER
K. Smith 56177

DATE/TIME
01/01/2009 04:10

APPROVED BY
Alan Fueng 56615

DATE APPROVED
01/06/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS
Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE W	1 OF 4	NAME - LAST, FIRST, MIDDLE, SUFFIX C [REDACTED] T [REDACTED]	ADDRESS 1 [REDACTED]	Message [REDACTED]
OCCUPATION		[REDACTED]	DOB	ADDRESS 2 [REDACTED]
DL		STATE	SSN	INJURIES
ADDRESS 3		PHONE 3		
CODE W	2 OF 4	NAME - LAST, FIRST, MIDDLE, SUFFIX B [REDACTED] D [REDACTED] L [REDACTED]	RESIDENCE [REDACTED]	Message [REDACTED]
OCCUPATION		[REDACTED]	DOB	ADDRESS 2 [REDACTED]
DL		STATE	SSN	INJURIES
CAID #		PHONE 3		
CODE W	3 OF 4	NAME - LAST, FIRST, MIDDLE, SUFFIX B [REDACTED] L [REDACTED] C	RESIDENCE [REDACTED]	Message [REDACTED]
OCCUPATION		[REDACTED]	DOB	ADDRESS 2 [REDACTED]
DL		STATE	SSN	INJURIES
CAID #		PHONE 3		
CODE W	4 OF 4	NAME - LAST, FIRST, MIDDLE, SUFFIX M [REDACTED] R [REDACTED] M [REDACTED]	RESIDENCE [REDACTED]	Message [REDACTED]
OCCUPATION		[REDACTED]	DOB	ADDRESS 2 [REDACTED]
DL		STATE	SSN	INJURIES
CAID #		PHONE 3		

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER K. Smith 56177	DATE/TIME 01/01/09 04:10	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/06/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S) 242 PC, 148(a)(1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland
	5. PHONE 510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT:

On 1-1-09, about 0211 hours, Officer McNack and I were on patrol at the Embarcadero BART Station. We were both dressed in full BART Police tactical team uniform. I heard over the radio a call of a shooting victim at the Fruitvale BART Station. Officer McNack and I are currently assigned to the BART Police Detective Division. Detective McNack and I responded to the Fruitvale BART Station via a Dublin bound train. I telephoned BART Police Dispatch. Dispatch told me the shooting was an officer involved shooting. Dispatch did not have any further details.

Detective Enriquez # 456 was the on call detective. Enriquez was responding from the El Cerrito Del Norte BART Station. Enriquez and McNack communicated over the police radio. Enriquez stated there were several witnesses of the shooting who were being transported to the Lake Merritt BART Station. Enriquez advised McNack and I that he wanted us to go to the Lake Merritt BART Station and wait for the witnesses. Detective McNack and I arrived at the Lake Merritt BART Station about 0240 hours.

About 0255 hours BART Police officers arrived at the Lake Merritt BART Station with 5 witnesses. The witnesses were later identified as C [REDACTED], A [REDACTED], R [REDACTED], N [REDACTED], R [REDACTED], B [REDACTED], F [REDACTED], B [REDACTED], A [REDACTED], J [REDACTED], R [REDACTED], B [REDACTED], and M [REDACTED] R [REDACTED] G [REDACTED]. I placed each witness in a separate location. I had an officer sit with each witness until I was ready to interview them.

About 0300 hours, Officers J. Woffinden # 547, T. Pirone # 514, J. Guerra # 508 and E. Knudtson # 533 arrived at the Lake Merritt BART Station. I placed each officer in a separate location. I advised each officer to not communicate with any other officers regarding this incident until their

REPORTING OFFICER(S) T. Smith # 374	RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AFS47 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED			
COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE			
<input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S)

242 PC, 148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

statement or report had been written.

About 0400 hours, Dispatch Supervisor Mulligan # J-169 provided me with a videotape and a CD. Mulligan stated the video was a recording of the monitors inside dispatch and the CD was a copy of the radio and telephone communications during this incident.

On 1-2-09, about 1000 hours, I played the videotape. The video picture was distorted so bad I could not identify anything on the screen. The videotape was later booked into evidence as evidence item # TSMITH-001 inside evidence locker # 1 at the Lake Merritt BART Station.

On 1-3-09 I listened to the CD. The CD had radio communication and telephone communication from dispatch. The CD was later booked into evidence as evidence item # TSMITH-002 inside evidence locker # 1 at the Lake Merritt BART Station.

Witness:

C [REDACTED] A [REDACTED] R [REDACTED]

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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On 1-1-09, about 0610 hours, Detective Carter # 416 and I interviewed C [REDACTED] R [REDACTED]. We were inside the large conference room of the Lake Merritt BART Police Office. The interview was recorded on a digital

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

01-03-2009 0730

APPROVED BY:

AF S47 1-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER: Alameda County D.A ☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S) 242 PC, 148(a) (1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest	5. PHONE 510-464-7000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item TSMITH-003 inside evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of R [REDACTED] interview:

Detective Carter advised R [REDACTED] that he was not under arrest and that he could leave at anytime. R [REDACTED] stated he understood. R [REDACTED] provided us with his name, address and phone numbers.

R [REDACTED] stated he was on a BART train with his girlfriend, A [REDACTED] R [REDACTED] A fight started on the BART train, he tried to break up the fight. R [REDACTED] said, "there was a whole lot of shit going on." R [REDACTED] said he saw, "fists being thrown between numerous people." The BART train came to a stop.

The police arrived and he was, "hemmed up against the wall." The police, "hemmed up" a couple other individuals. The police pulled someone off the BART Train by, "choking him or whatever" and "I guess someone accidentally got shot."

People on the train started to argue with the officers. The officers pulled out their TASERS and weapons. R [REDACTED] believed the crowd was, "shocked" regarding the officers' actions.

R [REDACTED] heard one shot. R [REDACTED] did not see the officer who fired the shot. R [REDACTED] described the officer who he believed fired the shot as tall, skinny, dark hair and looked young in the face. R [REDACTED] said that officer said, "oh shit" after the shot was fired. R [REDACTED] said the person shot was handcuffed after the shooting. R [REDACTED] said he did not know the individual who was shot.

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BY SAP J265
BART POLICE DEPARTMENT

REPORTING OFFICER(S) T. Smith # 374	RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AF S47 / 6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours	
1. CODE SECTION(S) 242 PC, 148(a) (1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>R [REDACTED] said there were people on the train that were video taping this incident. The interview was ended at 0630 hours.</p> <p>I gave R [REDACTED] an 849(b) PC form, for the initial call of a battery on a train.</p> <p>Witness: N [REDACTED] R [REDACTED] B [REDACTED] <div style="background-color: black; width: 300px; height: 150px; margin-top: 5px;"></div> </p> <p>On 1-1-09, about 0650 hours, Detective Carter # 416 and I interviewed N [REDACTED] B [REDACTED]. We were inside the large conference room of the Lake Merritt BART Police Office. The interview was recorded on a digital recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item # TSMITH-004 inside evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of B [REDACTED] interview:</p> <p>Detective Carter clearly advised B [REDACTED] he was not under arrest and we wanted to get his version of what occurred at the Fruitvale BART Station. B [REDACTED] stated he did not remember anything because he, "Blacked out." B [REDACTED] did not provide any further information.</p>					
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 01-03-2009 0730	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AF 5471-6-69 <div style="text-align: center; font-size: small; color: red; margin-top: 5px;"> FEB 23 2009 RELEASED BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>	
COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:					

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242 PC, 148(a) (1) PC		Battery, Resisting arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Officer Pirone		800 Madison Street Oakland		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>I issued F an 849(b) PC form, for the initial call of a battery on a train.</p> <p>Witness:</p> <p>F B A</p> <p>[REDACTED]</p> <p>On 1-1-09, about 0707 hours, Detective Carter # 416 and I interviewed F A. We were inside the large conference room of the Lake Merritt BART Police Office. The interview was recorded on a digital recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item TSMITH-005 inside evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of A interview:</p> <p>Detective Carter advised A that there would be no charges filed against him. Carter told A that he can leave at anytime. The purpose of the interview was to obtain information of what occurred at the Fruitvale BART Station. A stated he understood.</p> <p>A stated somebody got shot. A stated the BART Police tackled him.</p> <p>A stated he did not see a fight on the train. He heard one, "pop". He did not recall how close he was to the guy who got shot. He stated he,</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Smith # 374		374		01-03-2009 0730	
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:			

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW
 FEB 23 2013
 RELEASED TO: **SB1421**
 BY SAP 1-265
 BART POLICE DEPARTMENT
 CONFIDENTIAL

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

"blacked out." The last thing he remembered was he heard a pop. He did not know who shot the guy. A [REDACTED] stated he drank a little earlier in the day. A [REDACTED] stated he gets paranoid because he has been shot before. A [REDACTED] stated he was in pain because of the handcuffs. I offered to call an ambulance for A [REDACTED]. A [REDACTED] declined any medical attention.

A [REDACTED] did not provide any further information.

I issued A [REDACTED] an 849(b) PC form, for the initial call of a battery on a train.

Witness:

J [REDACTED] R [REDACTED] B [REDACTED]

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP 1265
BART POLICE DEPARTMENT
CONFIDENTIAL

On 1-1-09, about 0717 hours, Detective Carter # 416 and I interviewed J [REDACTED] R. B [REDACTED]. We were inside the large conference room of the Lake Merritt BART Police Office. The interview was recorded on a digital recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item TSMITH-006 inside evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of B [REDACTED] interview:

Detective Carter advised B [REDACTED] he was free to leave and he could answer

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

01-03-2009 0730

APPROVED BY:

AFS47 1-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S) 242 PC, 148(a) (1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest	
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland	5. PHONE 510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

only the questions he feels comfortable answering. B [REDACTED] was advised there were no charges against him. Carter advised B [REDACTED] the purpose of the interview was to obtain information about the Fruitvale BART Station incident. B [REDACTED] stated he understood.

B [REDACTED] stated his brother N [REDACTED], his cousin Oscar Grant, M [REDACTED] and him were on a train coming back from San Francisco. They exited the BART train at the Fruitvale BART Station. B [REDACTED] did not know why the police were on the platform.

The police grabbed B [REDACTED] and three other individuals. The police put the four people including B [REDACTED] against the platform wall. The police went back onto the train and grabbed B [REDACTED] other cousin by the neck and, "choked him out." B [REDACTED] described this cousin as the one with, "dreads" (dreadlock hair). B [REDACTED] stated he observed three officers with their TASERS out.

The police grabbed Grant, "he is the one who got shot." The police grabbed Grant by the neck and the police, "choke him, they slam him, they slam me too."

The police slammed Grant. B [REDACTED] stated Grant was on his stomach when the officers, "got their knee in his neck." The officer said, "I'm going to TAZE him." B [REDACTED] then stated, "I don't know what happened all I heard was a pop." B [REDACTED] stated the officers turned Grant over and he was bleeding from the mouth. After the officers shot Grant they handcuffed Grant. Then the officers handcuffed B [REDACTED]. B [REDACTED] did not see the police provide any aid to Grant.

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B [REDACTED] said the crowd was loud and yelling at the officers. B [REDACTED] heard

REPORTING OFFICER(S) T. Smith # 374	RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AFS47 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:	

POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

a bottle break. B [REDACTED] did not know where the bottle came from. B [REDACTED] did not know if the bottle was thrown at the officers.

I issued B [REDACTED] an 849(b) PC form, for the initial call of a battery on a train.

Witness:

M [REDACTED] R [REDACTED] G [REDACTED]
[REDACTED]

On 1-1-09, about 0755 hours, Detective Carter # 416 and I interviewed M [REDACTED] G [REDACTED]. We were inside the large conference room of the Lake Merritt BART Police Office. The interview was recorded on a digital recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item TSMITH-007 inside evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of G [REDACTED] interview:

Detective Carter advised G [REDACTED] he was not under arrest and he was free to leave at anytime. Carter advised the reason of the interview was to obtain information regarding the incident at the Fruitvale BART Station. G [REDACTED] stated he understood.

G [REDACTED] stated he was on a train with his friends J [REDACTED] Oscar, Oscar's girlfriend S [REDACTED] J [REDACTED] T [REDACTED] and another guy. G [REDACTED] stated there was a

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

01-03-2009 0730

APPROVED BY:

DFS47 1-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER:

Alameda County D.A.

☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242 PC, 148(a)(1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest	5. PHONE 510-464-7000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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fight on the BART train between two males. The fight occurred prior to the train arriving at the Fruitvale BART Station. G [REDACTED] did not know who was fighting on the train. G [REDACTED] described the subjects in the fight as a black male and a, "Mexican or a white or something." G [REDACTED] stated he was right next to the fight on the train. The train stopped and people started getting on the train and off the train.

G [REDACTED] stayed on the train. Oscar, J [REDACTED], S [REDACTED] and J [REDACTED] T [REDACTED] were off the train. S [REDACTED] argued with some unknown female. About 4 police officers arrived. The police officers said they had a description of 4 black males wearing black. So the police started stopping everybody with black on. They started detaining people and pulling people off of the train.

Oscar and J [REDACTED] were detained first. They were sitting next to the escalator. The police were talking to Oscar and J [REDACTED]. The police came on the train and took about 2 more people off of the train.

One police officer came on the train and grabbed G [REDACTED] shirt. The police officer said, "shut the F up" and he tried to throw G [REDACTED] to the ground. G [REDACTED] did not go to the ground. The officer tried to push G [REDACTED] into the wall. G [REDACTED] did sit down and the officer tried to throw G [REDACTED] head into the ground. Oscar tried to stand up. The police told Oscar, "I told you to sit down."

The police made Oscar sit down. The police tried to knee Oscar's head into the platform wall. The police had Oscar laying on the ground to put him into handcuffs. G [REDACTED] stated, "Before they put him handcuffs dude just shoot him."

REPORTING OFFICER(S) T. Smith # 374	RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AFS47 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE	
		<input checked="" type="checkbox"/> OTHER: Alameda County D.A. <input type="checkbox"/> FAXED TO:	

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S) 242 PC, 148(a)(1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest	5. PHONE 510-464-7000
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland	

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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G [REDACTED] stated Oscar was, "he probably was struggling a little bit though" before the shooting.

G [REDACTED] described the officer who shot Oscar as tall, skinny and kind of young. G [REDACTED] heard one shot. Everyone on the train started yelling at the police. The police handcuffed Oscar. G [REDACTED] stated the police put a shirt on Oscar's back.

I issued G [REDACTED] an 849(b) PC form, for the initial call of a battery on a train.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

Officer Statement:

Officer M. Domenici # 496
BART Police

On 1-1-09, about 0848 hours, Detective Carter # 416 and I interviewed Officer Domenici # 496 at the Lake Merritt BART Police Office. I recorded this interview on a digital recorder. I later downloaded the interview onto a CD. The CD was booked into evidence as evidence item tsmith-008 into evidence locker # 1 at the Lake Merritt BART Station.

The following is a summary of Officer Domenici's statement:

Officer Domenici was partnered with Officer Pirone # 514. Officer Domenici was in the free area of the Fruitvale BART Station, in full BART Police uniform. A call came over the radio of a fight upstairs on a Dublin bound train. Officer Pirone off-boarded three males from the train. Officer Pirone asked Domenici to stay with the three males. Domenici detained the three black males and ordered them to sit on the

REPORTING OFFICER(S) T. Smith # 374	RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AF 547 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A. <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>ground. Officer Pirone removed another black male from the train. Domenici could not recall the names of the individuals who were removed from the train. Domenici described the three people she had detained as a black male with messy hair, a Hispanic male and a young black male.</p> <p>The fourth person that Officer Pirone removed from the train was very animated and uncooperative. Domenici looked over and Pirone had the fourth guy on the ground. The three individuals Domenici were with started to stand up. Domenici ordered the three to sit back down. Domenici looked over to her right and she saw an unidentified Asian male and two other individuals come off of the train. The Asian male and the two others said, "you shouldn't do this you are just BART Police."</p> <p>The three males Domenici had detained would not cooperate. Domenici pulled out her TASER and told the three to sit down. When they saw the laser from the TASER the three subjects sat back down. The three subjects continued to curse at Domenici saying, "we are just fucking BART Police we don't do shit." The Asian male told Domenici, "You're a fucked up bitch." The Asian male threw a phone towards Domenici. Officer Knudtson came up and tackled the Asian male. The Asian male was handcuffed. The two other guys that the Asian male was with continued to yell and curse at the officers. Domenici observed several intoxicated people coming off of the train coming towards the officers. Domenici stated, the people, "just kept coming at you" and "they were coming around us." She also stated this situation was, "scary".</p> <p>Domenici heard a, "pop" that sounded like a, "firework". Domenici turned around towards the pop. She was unsure what had occurred. Domenici heard people on the train say, "he got shot." The officers on the scene called for additional officers. The crowd was out of control.</p>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: DF S47 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:		

CONTROLLED DOCUMENT
 DEPARTMENT OF JUSTICE
 CONTROLLED BY LAW
 FEB 23 2015
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 BY SAP J-265
 BART POLICE DEPARTMENT
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<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>The three people Domenici had detained were becoming hostile. Domenici stated that one of the three individuals claimed that Domenici TAZED him. Domenici stated she did not TAZE any of the individuals.</p> <p>Domenici looked over and saw Officer Guerra # 508 was with a black male. Officer Guerra had gauze on the black male's back and was applying pressure to the subject. Officer Guerra called for a code 3 ambulance. Domenici observed blood coming out of the black male's mouth. The officers told the black male to breathe and to, "stay with us."</p> <p>Domenici pushed people back onto the train. The train was released from the Fruitvale BART Station. Domenici removed people from platform # 1. Domenici advised dispatch to close the Fruitvale BART Station.</p>				
Witness: P [REDACTED]				
<p>On 1-2-09, about 0750 hours, I received a telephone call from P [REDACTED]. [REDACTED] told me she was a witness to the incident at the Fruitvale BART Station. I asked [REDACTED] if I could record our conversation. [REDACTED] agreed to have the conversation recorded. I used a digital recorder to record our conversation. I later downloaded the conversation onto a CD</p>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 01-03-2009 0730
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A. <input type="checkbox"/> FAXED TO:		
APPROVED BY: [Signature]				

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421
 BY SAP J-265
 BART POLICE DEPARTMENT

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>and secured the CD as evidence item # TSMITH-009 into evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of C [REDACTED] and my conversation:</p> <p>C [REDACTED] got on BART between 0130 and 0200 at the Powell Street Station in San Francisco. The train arrived at the Fruitvale BART Station. C [REDACTED] looked out the BART window and she observed a male police officer had 3 people sitting on the platform. Because of C [REDACTED] location on the train, C [REDACTED] could not hear what the 3 people were saying to the officer.</p> <p>A female officer arrived at the scene. The male officer told one of the 3 people to, "shut the fuck up" the officer was screaming. C [REDACTED] observed one of the 3 people put his hands up. A taller male officer arrived. C [REDACTED] believed this taller officer is the officer that shot Grant.</p> <p>The first male officer came onto C [REDACTED] BART car. C [REDACTED] described this officer as white with a shaved head. The officer screamed, "Get out of my fucking train." The officer removed an individual from the BART car. The individual had, "dreads". The officer slammed the individual against the wall and took him down to the ground. The officer had his knee in his neck, the officer handcuffed the individual.</p> <p>The officer with a shaved head walked up to one of the first individuals who was taken off of the train. This person was holding a cell phone and was sitting on the ground. The officer yelled something at the person holding a cell phone. The officer threw the person down on the cement. The person was laying flat on his stomach with his hands underneath him.</p> <p>The second, taller, male officer was trying to get the subjects hands out from underneath his stomach. The taller officer was standing over the</p>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AF-547 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:		

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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individual.

C [REDACTED] heard a, "pop". C [REDACTED] believed the second, taller, male officer shot the individual. C [REDACTED] stated an unknown person on her train car said the shot was only a bean bag.

C [REDACTED] said the officer who shot the gun had an expression on his face like, "holly shit what happened or what did I do, with his hands around his head." C [REDACTED] believed the officer also had an expression as, "why did my gun go off." After the, "boom noise" the officers put the individual into handcuffs.

C [REDACTED] had nothing further to add. I gave C [REDACTED] my contact information. I asked C [REDACTED] to provide my contact information to anyone she knew who was a witness to this incident.

Witness:

I [REDACTED] J [REDACTED] C [REDACTED]

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB1421

On 1-2-09, about 0855 hours, I received a telephone call from I [REDACTED] C [REDACTED]. C [REDACTED] stated she was a witness to the Fruitvale incident. I asked C [REDACTED] if I could record our conversation. C [REDACTED] agreed to have our conversation

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

01-03-2009 0730

APPROVED BY:

AF 547 1-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER:

Alameda County D.A

☐ FAXED TO:

POLICE REPORT

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01-03-2009 0730 hours

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☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

1. CODE SECTION(S)

242 PC, 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery, Resisting arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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recorded. I used a digital recorder to record our conversation. I later downloaded the conversation onto a CD. The CD was secured as evidence item TSMITH-010 into evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of C [REDACTED] and my conversation.

C [REDACTED] stated she was on a BART train with her friend P [REDACTED] C [REDACTED]. The train arrived at the Fruitvale BART Station on 1-1-09 about 0200 hours. The train doors stayed open for a long time. C [REDACTED] heard cussing and shouting. C [REDACTED] stated the police had about three, "kids" up against the wall.

A "Caucasian cop" a "bald headed dude" yelled at the, "kids" and he used the "F" word. This "Caucasian bald headed" police officer boarded the train that C [REDACTED] was on. The police officer said, "You going to make me come on the train and get you." The officer pulled a male with, "dreadlocks" off of the train. The officer threw him against the wall, and down onto the ground.

C [REDACTED] heard a gun shot and turned her head. C [REDACTED] did not observe the shooting. She saw an officer with his gun in his hand right after she heard the gun shot. The officer, "put his hand to head his head, like to say, 'oh my god', you know like he probably did not mean to shoot him."

C [REDACTED] stated she did not have any further information.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

Witness:

L [REDACTED] C [REDACTED] B [REDACTED]
[REDACTED]

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

01-03-2009 0730

APPROVED BY:

AFS471-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER:

Alameda County D.A

☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours	
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<div style="background-color: black; width: 100%; height: 50px; margin-bottom: 10px;"></div> <p>On 1-2-09 about 1235 hours, I telephoned witness L [REDACTED] B [REDACTED] E [REDACTED] and four of his friends C [REDACTED], M [REDACTED] B [REDACTED] and an unidentified male were contacted by BART Police Officers on 1-1-09 about 0245 hours at the Bay Fair BART Station. B [REDACTED] told the BART Police Officers he was a witness to the Fruitvale BART Station. B [REDACTED] provided the police officers with his contact information.</p> <p>B [REDACTED] agreed to have our conversation recorded. I recorded the conversation on a digital recorder. I later downloaded the conversation onto a CD. The CD was secured as evidence item TSMITH-011 into evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of B [REDACTED] and my conversation:</p> <p>On 1-1-09, about 0215 hours, E [REDACTED] was on the BART train. B [REDACTED] was with four of his friends, C [REDACTED], B [REDACTED], M [REDACTED] and one unidentified friend. The BART train came to a stop. The police came onto the BART car that B [REDACTED] was on. The police pulled someone off of the train forcefully. The police had, "four guys lined up" and "another guy separate."</p> <p>The officer that did the shooting, went up to the guy that was separate. That officer punched the guy in the face, "beat him up" and "threw him on the ground." The guy was on his back, the officer handcuffed him.</p> <p>The officers went towards the other four males that were detained. A female officer and the officer that ended up shooting the male had their</p>					
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 01-03-2009 0730	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AF 547 1-6-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A. <input type="checkbox"/> FAXED TO:			

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours
1. CODE SECTION(S) 242 PC, 148(a) (1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>TASERS pointed at the group of four males. B [REDACTED] saw, "red dots" on two of the male's chest.</p> <p>One of the four males started to talk on his cellular phone. The officer that shot the male went up to the individual with the cellular phone. That officer, "knead him in his chest" then the officer, "knead him in his face." The officers punched him in his face and threw him to the ground. One officer had his knee in the back of the males neck and pushed his face into the ground. The individual was face down on the ground and the officers handcuffed the male. The officer that had his knee on his head reached for his gun, "pulled his gun out" and "pointed it at the man's back and shot him." B [REDACTED] heard, "a big ass pop." B [REDACTED] saw blood all over the man's leg.</p> <p>B [REDACTED] said he was on the train looking thru the BART window. B [REDACTED] stated he was about 5 to 6 feet away from the shooting. B [REDACTED] stated there were numerous people with video cameras. B [REDACTED] stated an officer tackled one man with a camera and took his camera.</p> <p>The train left the BART Station about a minute after the shooting.</p>				
Witness: R [REDACTED] M [REDACTED] M [REDACTED]		CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SO 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL		
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AFS471-609
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours
1. CODE SECTION(S) 242 PC, 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery, Resisting arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>On 1-2-09, about 1258 hours I telephoned witness M [REDACTED] I asked M [REDACTED] if I could record our conversation. M [REDACTED] agreed to have the our conversation recorded. I recorded the conversation on a digital recorder. I later downloaded the conversation onto a CD. I secured the CD as evidence item TSMITH-012 into the evidence locker 1 at the Lake Merritt BART Station. The following is a summary of our conversation.</p> <p>M [REDACTED] stated he was on the BART on 1-1-09 about 0200 hours. He was coming back from San Francisco. M [REDACTED] stated there was an altercation on the BART train he was on. M [REDACTED] later stated during the interview he did not observe a fight on the train he was on. The train came to a stop and the police were waiting at that stop.</p> <p>M [REDACTED] stated there were about 5 or 6 officers on the platform. M [REDACTED] stated an officer used excess force. M [REDACTED] described this officer as a Caucasian male with black hair. This officer grabbed a man by his collar and pulled him off the train. There were other males against the wall. M [REDACTED] stated it was obvious the males were unarmed.</p> <p>One of the males stated he was going to call his mom. This male pulled out his phone. The officer ran towards the male and hit him with his knee. The officer pulled out his gun from of his holster and shot the male. M [REDACTED] believed the male was shot in his leg. M [REDACTED] saw blood coming from his leg. M [REDACTED] stated the male was on his stomach laying down and handcuffed before he was shot.</p> <p>M [REDACTED] described the officer that shot the male as, "Caucasian", "Waldo", "a skinny guy", "brunette or black hair". M [REDACTED] stated after the shooting the officer had a facial expression similar to, "woops"</p>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 01-03-2009 0730	APPROVED BY: AFS40 1-6-09
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01-03-2009 0730 hours	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242 PC, 148(a)(1) PC		Battery, Resisting arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Officer Pirone		800 Madison Street Oakland		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>The officers handcuffed some of the other males. The males that were not handcuffed had their hands up. The officers used, "excessive force" by putting, "knees in necks" and "pushing them against the wall."</p> <p>M [REDACTED] stated he was obvious the males were unarmed.</p> <p>M [REDACTED] stated after the shooting the train remained on the platform for 10 to 20 minutes.</p>					
<p style="color: red; font-weight: bold; margin: 0;">CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p style="color: red; font-weight: bold; margin: 0;">FEB 23 2019</p> <p style="color: red; font-weight: bold; margin: 0;">RELEASED TO: <u>SB421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Smith # 374		374		01-03-2009 0730	
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/06/2009

1. CODE SECTION(S)

242 PC 148(a)(1)PC

2. CRIME(S) / CLASSIFICATION(S)

Battery / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street, Oakland,

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT

On 1-5-09, about 1532 hours, Detective Carter # 416 and I conducted a follow-up interview with Officer N. Flores # 552. We were located inside the small conference room at the Lake Merritt BART Station. The interview was recorded on a digital recorder. I later downloaded the interview on a CD. The CD was secured into evidence as evidence item TSMITH-013 into evidence locker # 1 at the Lake Merritt BART Station. The following is a summary of the interview:

Officer Flores stated on the night of the shooting he was assigned to the call sign of 1B14. Flores stated this is a cover unit for the BART Stations in Oakland. Flores had worked this beat prior to this incident. Flores stated he was wearing his class B uniform with patches on his shoulders and a badge. Flores stated on the night of this incident people observed him in uniform and recognized him as a police officer.

Flores stated he had the following items on his duty belt on the night of this incident from right to left: double handcuff case with two handcuffs, hobble, pepper spray, gun, one extra pair of handcuffs, a pouch for gloves, police radio, wooden baton, TASER and two extra magazines for his gun.

I showed Officer Flores a copy of the report he submitted on 1-1-09. Flores stated the report I provided him was a copy of the report he submitted. Flores read the report. I had Flores sign and date the report I provided him. I later secured the signed report into evidence as evidence item TSMITH-014 into evidence locker # 1 at the Lake Merritt BART Station.

UNCONTROLLED DOCUMENT
 DUPLICATION OR REPRODUCTION
 CONTROLLED BY LAW
 FEB 23 2019
 50142
 RELEASED TO:
 BY SAJ J. 100
 BART POLICE DEPARTMENT
 CONFIDENTIAL

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

1-5-09 1715 hours

APPROVED BY:

AFS47 1-6-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

Alameda County D.A

☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		POLICE REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607		CASE # 0901-0027	
				DATE / TIME OF SUPPLEMENT 01/06/2009	
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)			
242 PC 148(a) (1) PC		Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
Officer Pirone		800 Madison Street, Oakland,		510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>I asked Flores what time he arrived at the Fruitvale BART Station on 1-1-09. Flores response was he was not sure but he believed it was about 5 minutes after he heard the officers were struggling with the individuals.</p> <p>I asked Flores what was the noise level like when he arrived at the Fruitvale BART Station. Flores stated it was loud, everyone was yelling and screaming. Flores stated he had a hard time hearing the police radio because of the noise from the crowd.</p> <p>I asked Flores what officers were on the scene when he arrived. Flores stated he was unsure of which officers were there, because his focus was on the crowd. Flores stated his back was towards the officers so he could see the crowd.</p> <p>I showed Flores a diagram of the Fruitvale BART Station. I had Flores indicate on the diagram the location of the officers in black ink. I also had Flores indicate in blue ink the location of the suspects. Flores put 2 black "X" marks on the north end of platform # 2. Flores put a blue "X" with a circle around the "X" just to the south of the 2 black "X" marks on platform # 2. This diagram was later secured into evidence as evidence item TSMITH-015 into evidence locker # 1 at the Lake Merritt BART Station.</p> <p>I showed Flores a picture of the six individuals who were detained on that night. I asked Flores if he recognized any of the individuals. Flores stated he recognized J [REDACTED] B [REDACTED] B [REDACTED] was located to the right of the incident. F [REDACTED] stated J [REDACTED] B [REDACTED] was yelling and screaming. Flores had, "a hard time trying to keep him down, just to stay down he keep trying to get up."</p> <p>Flores also recognized C [REDACTED] R [REDACTED] Flores stated he detained R [REDACTED]</p>					
REPORTING OFFICER(S)		RECORDING OFFICER		DATE / TIME PREPARED	
T. Smith # 374		374		1-5-09 1715 hours	
DISPOSITION:		COPIES TO:			
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> OTHER: Alameda County D.A			
<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> FAXED TO:			
				APPROVED BY: AF 847 1-6-09	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01/06/2009	
1. CODE SECTION(S) 242 PC 148 (a) (1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street, Oakland,		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>near the station agent booth.</p> <p>I had Flores sign, time and date the picture of the six individuals. I later secured this picture into evidence as evidence item TSMITH-016 into evidence locker # 1 at the Lake Merritt BART Station.</p> <p>Flores stated when he first arrived at the scene he told either J [REDACTED] B [REDACTED] or C [REDACTED] R [REDACTED] to step away from the officers or Flores would use his TASER on them. There was a third individual who was handcuffed and wearing a white shirt with stripes. This third individual stood up and approached the officers from the officers' back. Flores told this individual to sit down or Flores would use his TASER on him. Flores did not know the name of this individual. This individual sat down, and later stood back up.</p> <p>Flores stated he did not handcuff anybody during this incident.</p> <p>Flores stated after he heard the, "pop" he observed officers handcuffing Grant. Flores did not know which officer handcuffed Grant.</p> <p>Flores did not observe any other officers with their TASER or firearm out of their holster. Flores did not hear any officer say they were going to TAZE any suspects.</p> <p>Flores did not hear any officers say anything after Flores heard the, "pop."</p> <p>Flores did not look at Officer Mehserle after the, "pop."</p> <p>Flores stated it was a few minutes after he heard the, "pop" that he</p>					
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 1-5-09 1715 hours	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED		<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:			
				APPROVED BY: AF 8471-6-09	

CONTROLLED DOCUMENT
RELEASED TO: [REDACTED]
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: **SB1421**
BY SAP J-265
BART POLICE DEPARTMENT

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 <hr/> DATE / TIME OF SUPPLEMENT 01/06/2009	
1. CODE SECTION(S) 242 PC 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street, Oakland,		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>realized someone had been shot. Flores heard several people on the platform that Grant had been shot.</p> <p>Flores observed Officer Guerra # 508 provide first aid to Grant.</p> <p>Flores stayed on the platform for about 3 to 4 minutes after the shot.</p> <p>Flores escorted J [REDACTED] B [REDACTED] downstairs and secured him into the patrol vehicle.</p> <p>Flores remained downstairs and began to log all persons who entered the Fruitvale BART Station.</p>					
<div style="color: red; text-align: center;"> <p>CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p>FEB 23 2019</p> <p>RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p> </div>					
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 1-5-09 1715 hours	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County D.A <input type="checkbox"/> FAXED TO:			
APPROVED BY: AFS47 1-6-09					

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1-07-09 1400
1. CODE SECTION(S) 242 PC 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>DETECTIVE SUPPLEMENT:</p> <p>On 1-7-09, about 0943 hours, Detective Carter # 416 and I conducted a follow-up interview of Officer Domenici # 496. This interview was located in the large conference room at the Lake Merritt Police Office. This interview was recorded on a digital recorder. I later downloaded this interview onto a DVD. This DVD was later secured into evidence as evidence item # TSMITH-017 into evidence locker # 1 at the Lake Merritt BART Station.</p> <p>At the beginning of the interview I showed Officer Domenici a copy of my supplement which I wrote on 1-3-09. This supplement summarized the statement Officer Domenici provided Detective Carter and I on 1-1-09. Officer Domenici read my supplement and signed the copy. This copy of the supplement was later secured into evidence as evidence item TSMITH-018 into evidence locker # 1 at the Lake Merritt BART Station.</p> <p>During this interview I had Officer Domenici look at a diagram of the Fruitvale BART Station. Domenici signed this diagram. Domenici wrote an, "X" with a circle around the, "X" in red ink as her location at the time of this incident. Domenici wrote a dot with an, "X" in black ink as the location she observed Officer Pirone at the time of this incident. Domenici wrote, "FA" in blue ink on the diagram as the location she observed suspect F [REDACTED] A [REDACTED] at the time of this incident. Domenici wrote 3 dots in blue ink as the location of the suspects who were detained next to the platform wall at the time of this incident.</p> <p>I later secured this diagram into evidence as evidence item # TSMITH-019 into evidence locker # 1 at the Lake Merritt BART Station.</p>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 1-7-09 1355 hours	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County DA <input type="checkbox"/> FAXED TO:		

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-07-09 1400

1. CODE SECTION(S)

242 PC 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

I showed Officer Domenici a picture of six individuals, M [REDACTED] G [REDACTED] C [REDACTED] R [REDACTED] J [REDACTED] E [REDACTED], N [REDACTED] B [REDACTED] Oscar Grant and F [REDACTED] A [REDACTED]. These six people were detained on 1-1-09 at the Fruitvale BART Station. Domenici was able to reference all of the individuals in her follow up interview. Officer Domenici wrote notes under 5 of the 6 pictures. Officer Domenici signed this picture. This picture was later secured into evidence as evidence item # TSMITH-020 into evidence locker # 1 at the Lake Merritt BART Station.

For a full summary of Officer Domenici's follow-up interview refer to Detective Carter's supplement and evidence item TSMITH-017.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

1-7-09 1355 hours

APPROVED BY:

AFS47 1-7-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER: Alameda County DA☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #
0901-0027

PAGE
1 OF 2

OFFENSE(S)

**148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective supplemnet report, witness statements, suspect statements

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE S	1 OF 5	NAME - LAST, FIRST, MIDDLE, SUFFIX R [REDACTED] C [REDACTED] A [REDACTED]	ADDRESS 1 [REDACTED]	CELL [REDACTED]
		DOB [REDACTED]	ADDRESS 2 [REDACTED]	
OCCUPATION [REDACTED]		INJURIES [REDACTED]	ADDRESS 3 [REDACTED]	
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S [REDACTED]	ARRESTEE DISPOSITION [REDACTED]	RELEASE LOCATION [REDACTED]
DI [REDACTED]	STATE CA	ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING # [REDACTED]	WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
			CITATION # [REDACTED]	SS# [REDACTED]
CHARGES [REDACTED]		C# [REDACTED]		

CODE S	2 OF 5	NAME - LAST, FIRST, MIDDLE, SUFFIX B [REDACTED] N [REDACTED] R [REDACTED]	ADDRESS 1 [REDACTED]	MESSAGE [REDACTED]
		DOB [REDACTED]	ADDRESS 2 [REDACTED]	
OCCUPATION [REDACTED]		INJURIES [REDACTED]	ADDRESS 3 [REDACTED]	PHONE 3 [REDACTED]
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S [REDACTED]	ARRESTEE DISPOSITION [REDACTED]	RELEASE LOCATION [REDACTED]
DI [REDACTED]	STATE CA	ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING # [REDACTED]	WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
			CITATION # [REDACTED]	SS# [REDACTED]
CHARGES [REDACTED]		C# [REDACTED]		

CODE S	3 OF 5	NAME - LAST, FIRST, MIDDLE, SUFFIX A [REDACTED] F [REDACTED] B [REDACTED]	ADDRESS 1 [REDACTED]	RESIDENCE [REDACTED]
		DOB [REDACTED]	ADDRESS 2 [REDACTED]	PHONE 2 [REDACTED]
OCCUPATION [REDACTED]		INJURIES [REDACTED]	ADDRESS 3 [REDACTED]	PHONE 3 [REDACTED]
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S [REDACTED]	ARRESTEE DISPOSITION [REDACTED]	RELEASE LOCATION [REDACTED]
DI [REDACTED]	STATE CA	ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING # [REDACTED]	WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
			CITATION # [REDACTED]	SS# [REDACTED]
CHARGES [REDACTED]		C# [REDACTED]		

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER T. Smith 55190		DATE/TIME 01/10/2009 10:57		APPROVED BY Alan Fueng 56615	
OFFICER		UNIT/SHIFT		DATE APPROVED 01/10/09	
				CASE STATUS Active	

Arrest <input type="checkbox"/> Crime <input checked="" type="checkbox"/> Non-Criminal <input type="checkbox"/>	BART Police Department 800 Madison Street, PO Box 12688 Oakland, CA 94604-2688 Supplemental Report	CASE # 0901-0027 <hr/> PAGE 2 OF 2
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OFFENSE(S) 148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 242 PC; Battery; Misd.	OFFENSE(S) cont'd.
--	------------------------

DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday	DATE AND TIME REPORTED 01/01/09 02:02			
LOCATION OF OCCURENCE 3401 East 12th St, Oakland - 01 - - Paid	LOCATION NAME FVS - Fruitvale Station	TYPE OF LOCATION 	BEAT 	SECTOR

CASE SUMMARY Detective supplemnet report, witness statements, suspect statements
--

SUSPECT(S) / ARRESTEE(S) Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE	4 OF 5	NAME - LAST, FIRST, MIDDLE, SUFFIX B [REDACTED] J [REDACTED] R [REDACTED]	ADDRESS 1 [REDACTED]	[REDACTED]
RACE	S	[REDACTED]	DOB [REDACTED]	[REDACTED]
OCCUPATION		INJURIES	ADDRESS 3	PHONE 3
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S	ARRESTEE DISPOSITION	RELEASE LOCATION
DI	STATE	ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING #	WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
CHARGES				

CODE	5 OF 5	NAME - LAST, FIRST, MIDDLE, SUFFIX C [REDACTED] M [REDACTED] F [REDACTED]	ADDRESS 1 [REDACTED]	[REDACTED]
RACE	S	[REDACTED]	DOB [REDACTED]	[REDACTED]
OCCUPATION		INJURIES	ADDRESS 3	PHONE 3
SCARS / MARKS / TATTOOS YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S	ARRESTEE DISPOSITION	RELEASE LOCATION
DI	STATE	ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING #	WARRANT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
CHARGES				

NARRATIVE <p>Detective Supplement:</p> <p>For narratives see attached Detective supplements typed on BART Police page 2 forms.</p> <div style="text-align: right; color: red; font-weight: bold;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>

ADMINISTRATION				
FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> WAP <input type="checkbox"/> OTHER			
BY OFFICER T. Smith 55190	DATE/TIME 01/10/2009 10:57	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/10/09	
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active	

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input checked="" type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1-9-09 1425 hours
1. CODE SECTION(S)		2. CRIME(S) / CLASSIFICATION(S)		
242 PC / 148(a)(1) PC		Battery / Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
Officer Pirone		800 Madison Street Oakland		510-464-7000
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>DETECTIVE SUPPLEMENT:</p> <p>On 1-1-09, I interviewed suspect M [REDACTED] G [REDACTED] at the Lake Merritt BART Station. During this interview G [REDACTED] stated Oscar Grant, "probably was struggling a little bit" before the shooting. Referring to Grant, "struggling " with the police officers on the scene at the Fruitvale BART Station.</p> <p>After I reviewed the audio recording of G [REDACTED] statement, I wanted to recontact G [REDACTED] so he could clarify what he meant by "struggling a little bit" with the police officers.</p> <p>On 1-5-09, about 1305 hours, I telephoned G [REDACTED] at [REDACTED] This phone number was the only phone number registered to G [REDACTED] address at [REDACTED] in Oakland. The phone rang for about 15 times. There was no answer and no answering machine.</p> <p>On 1-6-09, about 1250 hours, I telephoned G [REDACTED] again at [REDACTED]. The phone rang for about 15 times. There was no answer nor was there an answering machine.</p> <p>On 1-6-09, about 1710 hours, I telephoned G [REDACTED] a third time at [REDACTED]. The phone rang for about 10 times. There was no answer nor was there an answering machine.</p> <p>On 1-9-09, about 1445 hours, I telephoned G [REDACTED] a fourth time at [REDACTED]. The phone rang for about 12 times. There was no answer nor was</p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
T. Smith # 374		374	1-9-08 1425	AFS471-10-09
DISPOSITION:		COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda Counta DA <input type="checkbox"/> FAXED TO:		

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input checked="" type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027
		DATE / TIME OF SUPPLEMENT 1-9-09 1425 hours		
1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S)			
242 PC / 148(a)(1) PC	Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE		
Officer Pirone	800 Madison Street Oakland	510-464-7000		
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>there an answering machine.</p> <p>Nothing further at this time.</p>				
<p style="color: red; font-weight: bold; transform: rotate(-5deg);"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </p> <p style="color: red; font-weight: bold; transform: rotate(-5deg);"> FEB 23 2019 RELEASED TO: <u>SB1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </p>				
REPORTING OFFICER(S)		RECORDING OFFICER	DATE / TIME PREPARED	APPROVED BY:
T. Smith # 374		374	1-9-08 1425	AFS47 1-10-09
DISPOSITION:		COPIES TO:		
<input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE		
		<input checked="" type="checkbox"/> OTHER: Alameda Counta DA <input type="checkbox"/> FAXED TO:		

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1-10-09 / 1322 hours

1. CODE SECTION(S)

242 PC 148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery / Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

Officer Pirone

4. ADDRESS

800 Madison Street Oakland

5. PHONE

510-464-7000

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

DETECTIVE SUPPLEMENT:

On 1-10-09, about 1310 hours, I telephoned Officer Flores # 552. I asked Officer Flores who transported him from the Fruitvale BART Station to the Lake Merritt BART Station, after the shooting incident. Flores told me Sgt. Macaulay # S-40 drove him to the Lake Merritt BART Station.

On 1-10-09, about 1315 hours, I telephoned Officer Domenici # 496. I asked Officer Domenici who transported her from the Fruitvale BART Station to the Lake Merritt BART Station, after the shooting incident. Officer Domenici told me Commander Gibson # C-7 drove her to the Lake Merritt BART.

On 1-10-09, about 1325 hours, I telephoned Officer Pirone # 514. I asked Officer Pirone who transported him from the Fruitvale BART Station to the Lake Merritt BART Station, after the shooting incident. Officer Pirone told me Commander Gibson # C-7 drove him and Officer Domenici to the Lake Merritt BART Station.

Nothing further.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

T. Smith # 374

RECORDING OFFICER

374

DATE / TIME PREPARED

1-10-09 1320

APPROVED BY:

AFS47 1-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☒ OTHER:

Alameda County DA

☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h1 style="margin: 0;">POLICE REPORT</h1> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1-10-09 1158	
1. CODE SECTION(S) 242 PC / 148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone		4. ADDRESS 800 Madison Street Oakland		5. PHONE 510-464-7000	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>DETECTIVE SUPPLEMENT:</p> <p>On 1-10-09, about 1030 hours, Sgt. Fueng provided me with a BART Police Alliance form. This form from Alliance listed all of Officer Mehserle's case numbers in which there was an arrest between May 2, 2007 and December 15, 2008. I provided this form to Detective T. Salas.</p> <p>Sgt. Fueng asked me to make a copy of the following reports:</p> <p>BART Police Case # 0812-1836 / this case Officer Mehserle deployed his TASER on a possible robbery suspect.</p> <p>BART Police Case # 0901-0010 / This case an officer recovered a gun from a suspect of a Battery call at the Embarcadero on 1-1-09 about 0057 hours.</p> <p>BART Police Case # 0901-0014 / This case a subject was arrested for carrying a concealed firearm at the West Oakland BART Station on 1-1-09 about 0118 hours.</p> <p>BART Police Case # 0901-0024 / This case a BART Police Officer TASED a subject for resisting arrest at the MacArthur BART Station on 1-1-09 about 0151 hours.</p> <p>I made a copy of the above mentioned reports. I provided these copies to Detective T. Salas.</p> <p>On 1-10-09, about 1145 hours, Commander White asked me to obtain the BART Police Dispatch records for the above mentioned cases, including a copy of the radio and telephone communications for each of these cases. On 1-10-09 about 1200 hours, I left a message with Dispatch Supervisor Mulligan.</p>					
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374		DATE / TIME PREPARED 1-10-09 1156	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AT 547 1-11-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County DA <input type="checkbox"/> FAXED TO:			

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 1-10-09 1158
1. CODE SECTION(S) 242 PC / 148(a)(1) PC	2. CRIME(S) / CLASSIFICATION(S) Battery / Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I. Officer Pirone	4. ADDRESS 800 Madison Street Oakland	5. PHONE 510-464-7000		
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>I advised Mulligan that I needed all communications and dispatch logs for the above mentioned cases.</p> <p>On 1-11-09, about 1800 hours, Supervisor Mulligan provided me with a copy of the radio and telephone commutations on a CD. Mulligan also gave me a printed dispatch log for the above mentioned cases. I later made a copy of the CD's and booked them into evidence as evidence item # TSMITH-020, TSMITH-021, TSMITH-022 and TSMITH-023 into evidence locker # 1 at the Lake Merritt BART Station.</p> <p>I provided a copy of everything I received from Supervisor Mulligan to Detective T. Salas.</p> <p>Nothing further.</p>				
<div style="color: red; text-align: center;"> CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW </div> <div style="color: red; text-align: center; margin-top: 10px;"> FEB 23 2019 RELEASED TO: SB1421 BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL </div>				
REPORTING OFFICER(S) T. Smith # 374		RECORDING OFFICER 374	DATE / TIME PREPARED 1-10-09 1156	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AF 847 1-11-09 COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County DA <input type="checkbox"/> FAXED TO:		

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/09 1825 hours

1. CODE SECTION(S)

PC 243.3/PC 148(a)

2. CRIME(S) / CLASSIFICATION(S)

Battery-Transit Area/Resist

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

NARRATIVE: On 01/01/2009 at approximately 0202 hours, Lt. Cagaanan #L18 and I responded from the Macarthur BART Station to the Fruitvale BART Station on a call for assistance by BART patrol officers.

Once Lt. Caganaan and I arrived, we noticed several handcuffed subjects sitting on benches on the platform level. One of the subjects was sitting alone on a bench with several unidentified Oakland Police Officers near him. The subject was yelling and screaming and appeared extremely agitated. BART Police Sgt. Alvarez S30 requested that I assist him and clear the platform of all subjects so that medical personnel could attend to the gunshot victim. I escorted one male subject downstairs to the concourse level and left him with BART Police Officer Knudston #553. I went back upstairs to the platform and contacted the agitated male who was still with Oakland Police Officers. The male immediately began to curse and yell at me and warned me not to come near him. Due to the subject's agitated and belligerent behavior and demeanor I placed handcuffs on him for officer safety reasons and escorted him away from the gunshot victim and brought him downstairs where I left him with BART Police Officer Woffinden #554.

Lt. Ledford #L20 later directed me to close the station and make certain all patrons were out. I then instructed Officer Cruz #423 to clear all patrons and make certain the station was closed. I later directed Officer Cruz to ride with the gunshot victim to the hospital. (See Officer Cruz's supplement). At this time, the station was closed to patrons.

At this point, Lt. Cagaanan instructed me to maintain the security of the scene for BART evidence technicians

I later relieved Officer Flores #552 with the crime scene log. I was later

CONTROLLED DOCUMENT
DUPLICATION FOR REISSUANCE
CONTROLLED BY LAW

RELEASED TO: SB 1421
BY SAP J-265
BART POLICE DEPARTMENT

REPORTING OFFICER(S)

A TOGONON

* 549

RECORDING OFFICER

549

DATE / TIME PREPARED

01/05/09 AT 1825

APPROVED BY:

AFS471-11-09

DISPOSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE☒ OTHER:

ALCO DA

☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/05/09 1825 hours

1. CODE SECTION(S)

PC 243.3/PC 148(a)

2. CRIME(S) / CLASSIFICATION(S)

Battery-Transit Area/Resist

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

relieved in the morning by Officer Boutain #524. (See crime scene log for details).

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: 801421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

A. TOGONON

549

RECORDING OFFICER

549

DATE / TIME PREPARED

01/05/09 AT 1825

APPROVED BY:

AFS471-11-09

DISPOSITION:

☐ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☐ OTHER:☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 1

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Took photos at Highland Hospital. Booked into evidence at LMS.

NARRATIVE

On 01-01-09, at about 0530 hours, I arrived at the Highland Hospital to document photographic exhibits of Oscar Grant, per the request of Detective Enriquez. I contacted Officers Narcisse 564, and Reese 472 at the hospital, and located Grant in the I.C.U. room 9. At the time of my arrival, I observed Grant to be under the care of medical personnel. Upon their completion, I took a total of 7 digital photographs using a Cannon SLR camera (EOS Rebel xsi). The photos consists of the following:

- 1) Grant laying on bed (over view)
- 2) Grant on bed (over view)
- 3) Close up of wounds (chest area)
- 4) Close up of wound (chest area)
- 5) Close up of wound (chest area)
- 6) Grant on bed (over view)
- 7) Grant on bed (over view)

The lead physician (Dr. H [REDACTED]) removed the bandages, and only frontal photos were taken. Due to the attachment of medical devices and Grant's condition, no photos were taken of Grant's backside.

I took no further actions at the hospital. I transferred the photos onto a CD-R disc at the Lake Merritt BART Police Station. I booked the disc into evidence at the station. A copy was forwarded to the Detectives Unit.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
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CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

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BY OFFICER

J. Vuong 58010

DATE/TIME

01/07/2009 10:28

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Evid-1-Vuong/58010 Entered by: John Vuong

APDC (Rev. 03/13/08) Print Date: 01/07/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
JVUONG-001	E	1	WHI		CD Recordings / Photos	CD-R	Memorex	
SERIAL NUMBER	BAR CODE	VALUE	TOTAL	LOCATION / BIN #				
	38779			LMA Locker 1				

DESCRIPTION

CD-R containing 7 digital photos of Grant, O. at the hospital

☐ FIELD RECEIPT ISSUED

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019
RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER J. Vuong 58010	DATE/TIME 01/07/09 10:28	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Evid-1-Vuong/58010 Entered by: John Vuong

APDC (Rev. 09/11/07) Print Date: 01/07/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 2

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Took pre autopsy photos at ALCO Coroners Office. Booked photos into evidence at LMS.

NARRATIVE

On 01-02-09, at approximately 0900 hours, Detective Maes and I arrived at the Alameda County Coroner's Office in Oakland, CA to take photographs of a deceased body identified by the Coroner as Oscar Grant. Using a Cannon SLR digital Camera- EOS Rebel xsi, I took a total of 38 photographs.

Dr. R [REDACTED] was the Pathologist. The photos show the body prior to the autopsy. Prior to the Pathologist's examination, I retrieved surface residue from Grant's right and left hand using an Alameda County Sheriff's Crime Lab Gun Shot Residue Kit. The samples were turned over to Detective Maes, and packaged by him.

Photographic log:

- 1) View from bottom with toe tags
- 2) Close up- toe tags with name
- 3) Evidence tag -Alameda County
- 4) Left view of upper body
- 5) Left upper arm-tattoo
- 6) Face
- 7) Right view of upper body
- 8) Lower body
- 9) Mid section
- 10) Left view of upper body
- 11) View of body from head
- 12) Lower body
- 13) Patient tag (toe)
- 14) Upper body
- 15) Face
- 16) Tattoo- left forearm
- 17) Tattoo- chest
- 18) Tattoo- close up of chest
- 19) Upper body with wound to right torso

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DUPLICATION OR REISSUANCE
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ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

J. Vuong 58010

DATE/TIME

01/02/2009 12:05

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Evid-2-Vuong/58010 Entered by: John Vuong

APDC (Rev. 03/13/08) Print Date: 01/07/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

2 OF 2

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Took pre autopsy photos at ALCO Coroners Office. Booked photos into evidence at LMS.

NARRATIVE

- 20) Circular wound- right torso
- 21) Circular wound- right torso
- 22) Stapled incision- right torso
- 23) Stapled incision- right torso
- 24) Upper body- left view
- 25) Mid section- left view
- 26) Lower body
- 27) Upper body- left view
- 28) Mid section left view
- 29) Upper body with lower facial view
- 30) Tattoo- left forearm
- 31) Underside- left arm with tattoo
- 32) Back side of body- turned to left
- 33) Backside- lower body turned left
- 34) Backside of upper body with circular wound
- 35) Backside of upper body with circular wound- close up
- 36) Backside of upper body- circular wound close up
- 37) Backside- upper body with head showing tattoo
- 38) Backside of upper body turned to right- overview

At the Lake Merritt BART Police Station, I transferred the photos onto a Memorex CD-R Disc via computer. I booked the disc into the evidence locker and issued one to the Detectives Unit.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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ADMINISTRATION

FOLLOW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

J. Vuong 58010

DATE/TIME

01/02/2009 12:05

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
JVUONG-002	E	1	WHI		CD Recordings / Photos	CD-R	Memorex	
SERIAL NUMBER	BAR CODE	VALUE	TOTAL	LOCATION / BIN #				
	38780			LMA Locker 1				

DESCRIPTION

38 pre autopsy photos- Grant, Oscar.

☐ FIELD RECEIPT ISSUED

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019
RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER J. Vuong 58010	DATE/TIME 01/02/09 12:05	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/8/09 0900

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved-shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01/01/09, at about 0230 hours, I transported Officer B. Moore #484 (a field evidence technician) from the West Oakland BART Station to the Fruitvale BART Station in Oakland to assist with processing of the scene at Fruitvale Station. Officer Moore advised me that there had been an officer-involved-shooting at the Fruitvale Station. Up until this point, I was not aware that the incident at Fruitvale Station was an officer-involved-shooting.

Upon arrival at about 0240 hours, I checked in with logging Officer Flores. I remained in the area of the faregates and contacted Commander Gibson and Lieutenant A. Ledford. I was advised that Officer J. Mehserle had been transported to Police Headquarters, 800 Madison Street, Oakland and that BART Police investigators were enroute. I was also advised that the District Attorney's Office had already been requested. I was also told that the shooting victim (identified as Oscar Grant) had been transported to Highland Hospital.

At about 0250 hours, I notified Lieutenant Alkire (who was off-duty) of the incident. He is in charge of the detective section. I had him respond.

Several witness officers and detained suspects were still located at the Fruitvale BART Station, at street level away from the scene. Once sufficient police personnel were available and after consulting with Commander Gibson, the decision was made to transport the witness officers and suspects to police headquarters for interviews. I transported Officers Guerra and Woffinden to headquarters in my vehicle. During the transportation there was no discussion regarding the case.

As information of the events unfolded, I was advised that a citizen had a

REPORTING OFFICER(S) <i>White C-8</i>	RECORDING OFFICER <i>C-8</i>	DATE / TIME PREPARED <i>1-8-09 0900</i>	APPROVED BY: <i>AFS 471-10-09</i>
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: <i>ALCO DA</i>	
<input type="checkbox"/> FAXED TO:			

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/8/09 0900

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S) Officer-involved-shooting	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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video recording of the shooting on the platform. Patrol Lieutenant Forte made arrangements to have the video evidence picked up and delivered to BART detectives. The recorded evidence arrived at our detective office, however, we were not able to immediately view it with our computer equipment. This information was provided to Deputy District Attorney Krum and District Attorney's Office Investigator Moschetti. They had previously arrived at our offices.

At approximately 0615 hours, Lieutenant A. Ledford, telephoned me and advised me that Officer Mehserle's attorney (David Mastagni) had refused to let his client submit to alcohol/urine testing. I, along with Lieutenant Alkire met in private in an office with Attorney Mastagni. Mastagni told me he had a problem with the testing and a form in his possession related to the testing process. He pointed out that a form related to the test process had post accident language written on it. Attorney Mastagni stated, "This was not an accident. It was an intentional act." I tried to give a brief explanation of district and department policy regarding the requirement that Officer Mehserle cooperate with the testing process. I also told him it was a condition of Officer Mehserle's employment with the department that he comply with the testing process. I told him it also fell under Department of Transportation regulations.

After some brief discussion he agreed to go forward with the testing process. We exited the office and were now back in the presence of Officer Mehserle. In the presence of Officer Mehserle, Attorney Mastagni asked that Officer Mehserle be given an order to submit to the testing process. He also asked that a consent form (Form #1185, Rev 1, 9/91) be changed from its consent format. I was not familiar with the form. I reviewed the form and noted a revision date of 09/91. I commented that it

REPORTING OFFICER(S) <i>White C-8</i>	RECORDING OFFICER <i>C-8</i>	DATE / TIME PREPARED <i>1-8-09 0900</i>	APPROVED BY: <i>AFS47 1-10-09</i>
POSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: <i>DA</i> <input type="checkbox"/> FAXED TO:	

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/8/09 0900

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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appeared that this was an outdated form. I ordered Officer Mehserle to submit to the testing and I changed the wording on form #1185 by crossing out "hereby consent..." and I wrote "have been ordered." Both Officer Mehserle and I initialed my written change to the form and he completed the testing procedures.

It should be noted that Officer Sekhon (Officers' Association President) met with Officer Mehserle shortly after he was transported to police headquarters. He was with Officer Mehserle through portions of the morning. In addition to Attorney Mastagni, another attorney (identified as Dan Mcnamara) from the same law firm was present with Officer Mehserle. As the hours progressed, Officer Sekhon advised me that Officer Foreman would be a peer support officer for Officer Mehserle. Officer Foreman stayed with Officer Mehserle through portions of the morning. Officer Mehserle was located in the police department small conference room throughout morning.

At about 0700 hours, Lieutenant Kevin Franklin assisted with the computer equipment in the detective office. A short time later several of the assigned detectives and I viewed the recorded video evidence. The recorded video evidence was shown to DA Krum and DA Investigator Moschetti a short time later.

I was notified by Detective T. Smith that the Officers' Association president (Officer Sekhon) stated that each officer on the scene was entitled to have an attorney present during their interviews. I met with Officer Sekhon and told him that only Officer Mehserle was entitled to have an attorney present during his interview. The other officers would not be permitted to have representation. Later, I approved that Officer Pirone have an attorney present during his interview.

REPORTING OFFICER(S) <i>White C-8</i>	RECORDING OFFICER <i>C-8</i>	DATE / TIME PREPARED <i>1-10-09 1800</i>	APPROVED BY: <i>AFS471-10-09</i>
DISPOSITION: <input type="checkbox"/> PENDING <input type="checkbox"/> SUSPENDED	<input type="checkbox"/> CLOSED <input type="checkbox"/> UNFOUNDED	COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE	<input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/8/09 0900

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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I was advised that Officer Mesherle's attorney, David Mastagni had requested to view the recorded video evidence prior to the start of the criminal interview. I advised ADA Krum and investigator Moschetti of this request and asked for their guidance. Based on their feedback, the video was eventually shown to Officer Mesherle and his attorney before the start of his criminal interview.

Prior to the start of Officer Mehserle's interview, I was advised that the shooting victim had died. I informed the detectives, DA Krum and DA investigator Moschetti and Officer Mesherle's attorney, David Mastagni of the death.

Attorney Mastagni later advised me that they were going to have Officer Mehserle invoke his right to remain silent. I informed District Attorney Krum and DA investigator Moschetti of this information. They asked that I request Mastagni and Mcnamara to meet and talk with them. Mastagni and Mcnamara agreed to meet with them and walked over to their location where they met.

Although Mastagni told me that Officer Mehserle was not going to provide a statement, the criminal interview with Officer Mehserle proceeded at about 0925 hours. Shortly thereafter, I was notified that Officer Mesherle did in fact refuse to provide a statement for the criminal investigation.

Lieutenant Alkire and I then met with Officer Mehserle and attorneys Mastagni and Mcnamara in order to discuss moving forward with the administrative interview.

Mastagni announced that Officer Mehserle was too fatigued to go forward at that time with the administrative interview. It was decided to schedule

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RECORDING OFFICER

DATE / TIME PREPARED

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DISPOSITION:

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COPIES TO:

☐ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☐ OTHER:☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

1/8/09 0900

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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the interview for a later time. Officer Mehserle verbally confirmed that he was too fatigued to proceed. I asked if they would be able to meet later in the evening. They stated that this was too soon and asked if the interview could be scheduled for Monday, January 5, 2009. I advised that this was not acceptable. I scheduled the administrative interview for the next day, Friday, January 2, 2009, at 1100 hours in the same conference room at 800 Madison Street.

I read and reviewed the Administrative Leave memo (prepared by Lieutenant Lucarelli) to Officer Mehserle. I wanted to make sure Officer Mehserle understood the conditions of his administrative leave, including the portion of the memo that he was no longer authorized to carry any firearms and that he was not to conduct himself or take action as a police officer while on Administrative Leave. Officer Mehserle stated he understood the conditions outlined and signed the memo.

I told Officer Mehserle, and both Mastagni and Mcnamara that Lieutenant Lucarelli was in charge of the administrative investigation and that he would be the point of contact for them. I also made myself available and advised that I could be contacted if there were any questions. I assigned Lieutenant Alkire to collect a replacement firearm that been provided to Officer Mehserle after the discharge of his weapon at the Fruitvale Station.

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CONTROLLED BY LAW

FEB 23 2019

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CONFIDENTIAL

REPORTING OFFICER(S)

RECORDING OFFICER

DATE / TIME PREPARED

APPROVED BY:

DISPOSITION:

☒ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES

☐ TAG

☐ SET

☐ TRAFFIC

☐ BART SAFETY

☐ BART INSURANCE

☐ OTHER:

☐ FAXED TO:

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/10/09 1300

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved-shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On Wednesday, January 7, 2009, at about 0930 hours, Margaret Saget (administrator for the BART district's drug and alcohol program) left me a voicemail message notifying me that the drug and alcohol testing for Officer Mehserle were negative for the presence of alcohol and drugs screened by the BART district. She advised that it would be a couple of days for the written results.

On Friday, January 9, 2009, at about 1100 hours, I received copies of the both the alcohol test and the drug test. Attached to this supplement is the Breath Alcohol Testing Form with the alcohol test printout affixed to it and the drug test results completed by University Services MRO Toxicology Services Group.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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REPORTING OFFICER(S)

RECORDING OFFICER

DATE / TIME PREPARED

APPROVED BY:

DISPOSITION:

☒ PENDING

☐ CLOSED

☐ SUSPENDED

☐ UNFOUNDED

COPIES TO:

☐ DETECTIVES

☐ TAG

☐ SET

☐ TRAFFIC

☐ BART SAFETY

☐ BART INSURANCE

☐ OTHER:

☐ FAXED TO:

S.F. Bay Area Rapid Transit Breath Alcohol Testing Form

STEP 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name JOHANNES Mehserle
(Print) (First, M.I., Last)
B: SSN or Employee ID No. 060151
C: Employer Name BART
Street 300 Lakeside Drive, 20th Floor
City, ST ZIP Oakland, CA 94612
DER Name and Telephone No. MARGARET SAGET
DER Name DISCHARGE OF FIREARM
D: Reason for Test: ☐ Random ☐ Reasonable Susp. ☐ Post-Accident ☐ Return to Duty ☐ Follow-Up ☐ Pre-Employment

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I have read and understand the Department of Transportation regulations and that I am qualified to operate the testing device(s) identified, and that the results are as recorded.
Signature [Redacted] Date 11/1/09 Month 11 Day 1 Year 09

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the US Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: ☒ BAT ☐ STT DEVICE: ☐ SALIVA ☒ BREATH* 15-Minute Wait: ☐ Yes ☐ No
SCREENING TEST: (For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)

Test #	Testing Device Name	Device Serial # OR Lot # & Exp. Date	Activation Time	Reading Time	Result
--------	---------------------	--------------------------------------	-----------------	--------------	--------

CONFIRMATION TEST: Results MUST be affixed to each copy of this form or printed directly onto form.

REMARKS

Global Data Alcohol

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS .02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are .02 or greater.

Signature of Employee [Redacted] Date 11/1/09 Month 11 Day 1 Year 09

CUT HERE
ALCOTEST 7410 PRINTER

ALCOTEST 7410 PLUS
SERIAL NUMBER: QPCK-0318

ALCOTEST 7410 PRINTER
SERIAL NUMBER: ARSC-0193
DATE: 11/01/2009

SEQUENTIAL TEST #: 00502

AIR BLANK 0.000 06:34

BREATHTEST 0.000 06:34

ACCURACY
UNITS: %BAC TIME
BAT SIGNATURE:

Affix
With
Tamper Evident Tape

Affix
Or
Print
Additional Results
Here

Affix
With
Tamper Evident Tape

CONTROLLED DOCUMENT
DUPLICATION OR REPRODUCTION
CONTROLLED BY

FEB 23 2010

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UNIVERSITY SERVICES MRO
Toxicology Services Group

TO: BART - NON
MARGARET SAGET
300 LAKESIDE DRIVE, 20TH FLOOR
OAKLAND, CA 94612

FOR: BART - NON
MARGARET SAGET
300 LAKESIDE DRIVE, 20TH FLOOR
OAKLAND, CA 94612

Date Reported: 01/07/2009

Date MRO Verified: 01/07/2009

Name of Individual Tested: MEHSERLE, JOHANNES

Identification Number: 060151

Specimen Number: 0000305979

Collection Date: 01/01/2009

Date Ply2 Received: 01/05/2009

Reason for Test: OTHER

Lab Acct #: 13603

Specimen Type: URINE

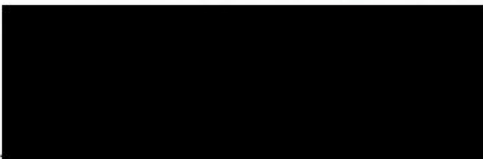
Lab Accession Number: 090060403

Collection Location: GDA
800 MADISON

OAKLAND, CA 94607

Laboratory Performing Analysis: LEGACY METROLAB

Status of Drug Test: NEGATIVE


BENJAMIN GERSON MD
Medical Review Officer

Drugs Tested: AMPHETAMINES, COCAINE METABOLITES, MARIJUANA (THC), PHENCYCLIDINE (PCP),
OPIATES,

CONTROLLED DOCUMENT
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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

09-01-0027

DATE / TIME OF SUPPLEMENT

01/11/09 1430

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

Officer-involved-shooting

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On Saturday, January 10, 2009, at about 1315 hours, I contacted Sergeant P. Garcia in regards to the inspection of Officer Mesherle' firearm, a Sig Sauer, Model 226 DAK, Serial number [REDACTED]. As the rangemaster for the department, he had received the inspection memo from Officer Slivinsky, who had been assigned to conduct the inspection of the weapon. Officer P. Slivinsky is the department's armorer for the issued Sig Sauer weapon.

Sergeant Garcia provided me with a memo written by Officer Slivinsky regarding his inspection and findings.

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DUPLICATION OR REISSUANCE
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REPORTING OFFICER(S)

RECORDING OFFICER

DATE / TIME PREPARED

APPROVED BY:

DISPOSITION:

☐ PENDING

☐ CLOSED

☐ SUSPENDED

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☒ DETECTIVES

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☐ BART SAFETY

☐ BART INSURANCE

☒ OTHER: DA

☐ FAXED TO:

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Sgt. Paul Garcia
revel 14-09 & forwarded same

FROM: Off. P. Slivinsky 429

SUBJECT: Sig Sauer P226, serial [REDACTED]

DATE: 1/05/09

On 1/05/09 at 1625 hours, I conducted an inspection of the above listed pistol. The inspection took place at the administrative office of the BART Police Department's evidence section. Sgt. T. Pashoian and clerk V. Sap were present.

After field stripping the pistol and removing the grip plates, I inspected and tested all safety features (firing pin safety, disconnecter and safety intercept notch on the hammer). All safety features were in order with no failures or excessive wear. The pistol was clean and in nearly pristine condition.

I conducted a complete function check of the pistol and found the pistol in perfect working order. I included a hammer push-off test with the hammer partially cocked to determine whether or not the hammer can slip off the sear and fall forward without the trigger being fully depressed. I was not able to force the hammer to lose engagement with the sear, which is as it should be.

I measured the trigger pull of the pistol using a set of NRA certified weights. The trigger pull of this double action only pistol is 6.5 pounds. According to the Sig Sauer Armorer's Manual, the trigger pull should measure 6.6 pounds. The difference is negligible and in no way affects the safe operation of the pistol.

I received my latest certification as a Sig Sauer Armorer in March 2006, and such certification is valid until March 2009.

It is my opinion that, when properly loaded with round chambered, this weapon can only fire as the result of the trigger being pulled completely to the rear.

Paul Slivinsky 429
BART Police Officer/Range Staff/Armorer
SBS B Platoon

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DUPLICATION & REISSUANCE
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Rec'd 4/10/08
1330 hrs
White

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #
 0901-0027
 DATE / TIME OF SUPPLEMENT
 Feb. 9, 2009

1. CODE SECTION(S)	2. CRIME(S) / CLASSIFICATION(S) OFFICER INVOLVED SHOOTING-FRUITVALE BART STATION	
3. VICTIM'S NAME - LAST, FIRST, M.I.	4. ADDRESS	5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Supplement #2 by Cmdr. White

On 01/09/09, Internal Affairs Sgt. Chlebowski advised me of an amateur video posted on the KTVU website. Sgt. Chlebowski voiced concern over the actions (shown in the video) of Officer Pirone. I viewed the video on the KTVU website. The viewing window of the video was approximately 5"x6". I was unable to enhance or enlarge it. The video was of poor quality and showed several individuals being detained. It also showed Officer Pirone using force toward one of the individuals.

Several detectives also voiced concern over the conduct of Officer Pirone. I told the detective unit members that their primary focus was the homicide investigation and that (excluding Mehserle) all of the officers on the platform during the incident were witness officers.

The use of force by Officer Pirone would have to be further reviewed and investigated. I advised the detective unit members that I would coordinate our follow up investigation with the District Attorney's Office.

On 01/16/09, Sgt. Fueng and I met with DDA Creighton. I told him of the concerns regarding Officer Pirone's actions. I requested copies of amateur video evidence obtained by his office from KTVU. I told Creighton that a re-interview of Officer Pirone was needed by BART PD criminal investigators. Creighton asked that there be no re-interview by BART PD investigators until after his office had completed their interview with Officer Pirone. I agreed to hold off on the re-interview until after their interview.

DDA Creighton also affirmed that since this was an active criminal case,

REPORTING OFFICER(S) White	RECORDING OFFICER White C8	DATE / TIME PREPARED Feb. 9, 2009	APPROVED BY: <i>[Signature]</i> L43
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POLICE REPORT

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

Feb. 9, 2009

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OFFICER INVOLVED SHOOTING-FRUITVALE BART STATION

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

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records/information associated with this case should not be released/disclosed to the media.

DDA Creighton ok'd the release of Grant's personal keys to his mother.

On 01/23/09, I watched a KTVU television newscast which aired the previously mentioned amateur video that had been on the television station's website.

On 1/26/09, I was informed that an afternoon interview was conducted of Officer Pirone by members of the District Attorney's Office.

On 1/27/09, I spoke to DDA Creighton by telephone. He told me that my request for the amateur video would have to go through DDA Stein.

On 1/30/09, I met with Alameda County DA Inspector Brock at BART PD. I asked if he could facilitate my request with the district attorney for the KTVU amateur video evidence obtained by his office and copies of the statements that had been obtained by their office and Oakland Police investigators for this investigation. Inspector Brock told me that he would pass my request along.

On 02/03/09, I spoke to Lieutenant Conner of the Alameda County District Attorney's Office Investigation Division. I was referred directly to DDA Stein regarding my request. I contacted DDA Stein by telephone. I informed him of our desire to re-interview Officer Pirone and I requested copies of the KTVU amateur videos and statements. He agreed to provide copies of the amateur video evidence and the statements for our case file. DDA Stein stated that he preferred that video evidence not be shown to witness officers, including Officer Pirone.

REPORTING OFFICER(S)

White

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DATE / TIME PREPARED

Feb. 9, 2009

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☐ BART SAFETY

☐ BART INSURANCE

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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

Feb. 9, 2009

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

OFFICER INVOLVED SHOOTING-FRUITVALE BART STATION

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
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On 02/04/09, I met with Lieutenant Conner at his office. He provided me with a compact disc which contained copies of the requested amateur video and statements. He also provided me with an attached inventory of what is on the disc (see attached inventory page).

On 02/06/09, Police Chief Gee and I met with Lt. Alkire and informed him that Sgt. Fueng would be assigned to complete a criminal investigation regarding the use of force by Officer Pirone in this incident.

On 02/09/09, I provided the disc and a copy of the inventory to Sgt Fueng. I informed Sgt. Fueng that he and Lieutenant Alkire were assigned to complete this investigation.

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FEB 23 2019

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REPORTING OFFICER(S)

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RECORDING OFFICER

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DATE / TIME PREPARED

Feb. 9, 2009

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Disk for BART PD

Interview - 01-09-09, Officer Foreman

Interview - 01-12-09, N [REDACTED] E [REDACTED])

Interview - 01-26-09, Officer Knudtson

Interview - 01-12-09, F [REDACTED] A [REDACTED]

Interview - 01-17-09, C [REDACTED] F [REDACTED]

Interview - 01-12-09, M [REDACTED] T [REDACTED]

Interview - 01-20-09, Officer Woffinden

Interview - 01-27-09, Lt Franklin

Interview - 01-26-09, Officer Pirone

Officer Pirone, 01-26-09 - stmt.doc

Officer Terry Foreman Stmt.doc

A [REDACTED] F [REDACTED] 01-12-09, Stmt.doc

M [REDACTED] T [REDACTED] 01-12-09, stmt.doc

B [REDACTED] N [REDACTED] and F [REDACTED] 01-12-09, Stmt.doc

Video - Amateur - From Wit C [REDACTED]

OPD documents and Follow Ups

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DUPLICATION OR REISSUANCE
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FEB 23 2019

RELEASED TO: SB1421

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BART POLICE DEPARTMENT
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PPD Case #

09-01-0027

rec'd 2/4/09
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White

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09 1027 hrs

CODE SECTION(S)

242 PC/148(a) (1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

4. ADDRESS

5. PHONE

PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

On 01/01/09 at about 0118 hours, I heard BART Police officers dispatched to a reported fight on a train that was due to arrive at the Fruitvale BART station. At that time, I was at the West Oakland BART station with Officer Mehserle, whom I had been assigned to work with during the shift. Officer Mehserle and I were both dressed in BART Police standard blue-wool uniforms with black duty belts, duty weapons and gold-colored badges on our shirts. We had contacted several people during the shift, all of whom recognized us as police officers.

At approximately 0203 hours, we responded to the Fruitvale BART Station to assist Officer Pirone and Officer Domenici, who were apparently contacting some of the subjects involved in a fight. I am unsure if this was the same incident reported at 0118 hours, or a different incident.

Officer Mehserle and I arrived at the Fruitvale station at about 0208 hours.

As we exited the patrol car, I could hear a loud commotion on the #1 (Southbound) platform. It sounded to me like several people (10-12) were arguing and yelling. I could tell from the yelling that there was some level of chaos on the platform. Officer Mehserle and I ran up the stairs to assist Officer Pirone and Officer Domenici.

When we reached the platform, there was a train stopped at the platform with the doors open. The train was extremely crowded and there were several people on the platform. I then looked to my right and saw four or five males sitting on the ground against the wall of the station. I could not tell if they were handcuffed because of the position they were sitting in. Officer Pirone and Officer Domenici were trying to control the subjects verbally, but to no avail. The males were yelling in the direction of the stopped train, using profanity and racial slurs toward the officers. They were extremely uncooperative and combative in their verbage and body language. Several of them attempted to get up several times and had to be ordered repeatedly to sit down, to which they reluctantly complied. The scene was chaotic and confusing, due to the

REPORTING OFFICER(S)

J. Woffinden #547

RECORDING OFFICER

J. Woffinden #547

DATE / TIME PREPARED

01/01/09 1027 hrs

APPROVED BY:

POSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES ☐ TAG ☐ SET ☐ TRAFFIC ☐ BART SAFETY ☐ BART INSURANCE
☒ OTHER: Alameda County DA☐ FAXED TO:

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 01/01/09 1027 hrs	
1. ODE SECTION(S) 242 PC/148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>loud yelling and physical defiance displayed by the group of males.</p> <p>I then noticed a group of four to five males standing near the train that were yelling and screaming in the direction of the males who were seated. At that time, I believed the males were attempting to fight, or had been fighting prior to our arrival. Their language was similar to the language used by the group who was seated. I heard both groups call the officers, "White devil(s)", "Mother fuckers" and "Cock suckers". They also yelled "Nigger" several times, but I was unsure if they were referring to us or each other.</p> <p>At that time, Officer Domenici and I were trying to keep the group closer to the train away from us. I removed my baton from my baton ring and held it in a ready position on my right side and under my right arm.</p> <p>I ordered the group to back up and get on the train several times, but they continued to advance on us, in an apparent attempt to get closer to the group that was seated. At that time, I was unsure if the two groups were friends or wanting to fight each other. Their language and yelling was so overbearing that I could not decipher what the two groups were yelling about, nor could I determine if they were hostile at us or each other.</p> <p>As the group continued to advance on Officer Domenici and me, I felt I would have to use my baton or pepper spray to stop them. As they walked toward us, they gradually moved approximately 10 feet closer to Officer Domenici and me. With each step the group took, the scene felt more chaotic and confusing.</p> <p>I was trying to watch the group that was advancing toward us, trying to look over my shoulder to watch Officer Pirone and Officer Mehserle and watch the people on the train, who were also yelling at us, or possibly the two groups of males.</p> <p>As the group moved closer to us, I changed my tone of voice and I used</p>					
REPORTING OFFICER(S) J. Woffinden #547		RECORDING OFFICER J. Woffinden #547		DATE / TIME PREPARED 01/01/09 1027 hrs	
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DE SECTION(S) 242 PC/148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting Arrest		
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS				
<p>expletives in an attempt to gain their compliance. Nothing I said stopped them or seemed to affect them. They had no regard for my orders or my authority.</p> <p>At some point during the confusion, one of the males that were advancing toward us came within five feet of me. I adjusted my grip on my baton and held it on my right side, on the outside of my arm. I changed the position of my baton because I was preparing to hit the subject with it, in order to stop his advance. I was aware that Officer Pirone and Officer Mehserle were about 10 feet behind me with the other group, I could not allow the subject advancing toward me to pass my position, or the other subjects and officers could be in danger. I told him to get back or I would hit him with my baton. His reply was something similar to, "You gonna hit a nigger, mother fucker? You gonna hit me, fucker?" I responded by telling him that I would hit him if he didn't step back. As I said this, I raised my baton slightly to prepare for a baton strike. At that time I felt that a baton strike was eminent and unavoidable, based on the totality of the circumstances and the subject's apparent disregard for my orders. However, as I was preparing to move into a position to strike the subject with my baton, he stopped and started to walk backward toward the train and the other subjects in his group.</p> <p>This type of incident occurred two to three more times with the same subject as well as another subject. They were defiant, unruly and hostile toward us.</p> <p>As this was occurring, I could hear the group behind us yelling and screaming. I could also hear Officer Pirone and Officer Mehserle yelling orders at the group they were with. However, based on the number of times Officer Mehserle and Officer Pirone had to yell orders at the subjects, I believed they were experiencing the same type of disobedience as Officer Domenici and I were witnessing. At some point during all of this, one of the subjects threw his cell phone at me, which hit a cement support pillar that was between him and me. The cell phone shattered and did not strike me.</p>				
REPORTING OFFICER(S) Woffinden #547		RECORDING OFFICER J. Woffinden #547	DATE / TIME PREPARED 01/01/09 1027 hrs	APPROVED BY: [Signature]
POSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: Alameda County DA <input type="checkbox"/> FAXED TO:		

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ODE SECTION(S) 242 PC/148(a)(1) PC		2. CRIME(S) / CLASSIFICATION(S) Battery/Resisting Arrest			
3. VICTIM'S NAME - LAST, FIRST, M.I.		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>At some point, I used my police radio to summon additional units. As I indicated before, the scene was so chaotic, I cannot recall exactly when I made this request during the sequence of events.</p> <p>While Officer Domenici and I were standing there, I heard a loud "pop" behind me, which I believed was the sound of a taser being deployed. I heard some of the males behind me yelling, "You fuckin' shot him!" At the time I still believed that a taser had been deployed, and that the group of males thought that someone had been shot with a gun.</p> <p>I looked over my shoulder briefly and saw one of the subjects lying on his stomach. I could see that Officer Pirone and Officer Mehserle were trying to control the subject while shouting verbal commands to the rest of the group, which were in the process of standing up as they yelled at the officers. The subject on the ground appeared to be resisting Officer Pirone and Officer Mehserle and it appeared to me that they were trying to handcuff him. However, the male's hands were blocked from my view by Officer Mehserle's body. My belief that they were trying to handcuff him was based on the position of the officers in relation to the suspect and the suspect's prone position on the ground.</p> <p>I heard the males behind me yell several times, "You mother-fuckers shot him!" The group that was in front of me started to advance again, in an even more defiant and determined manner, with their fists clenched.</p> <p>At that time, several of the members of the group that were approaching Officer Domenici retreated and boarded the train. At that time, I was unaware that someone had been shot, so I allowed them to leave without obtaining their statements. My decision to allow them to leave was also based on the chaotic nature of the event. I wanted to separate the two groups, to shift the balance in our favor, so that we could obtain control of the situation as quickly as possible.</p> <p>As the train left, I turned around and saw the subject that Officer Pirone</p>					
REPORTING OFFICER(S) Woffinden #547		RECORDING OFFICER J. Woffinden #547		DATE / TIME PREPARED 01/01/09 1027 hrs	
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- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

01/01/09 1027 hrs

CODE SECTION(S)

242 PC/148(a)(1) PC

2. CRIME(S) / CLASSIFICATION(S)

Battery/Resisting Arrest

3. VICTIM'S NAME - LAST, FIRST, M.I.

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5. PHONE

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INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

and Officer Mehserle had proned out on the ground. He appeared to be bleeding from the mouth. At that time I was still unaware that he had been shot.

Several of the remaining subjects were taken into custody and other officers arrived on scene. I was directed to remove one of the suspects, J [REDACTED] R [REDACTED] E [REDACTED] to a patrol car. I then escorted him downstairs and placed him in the back seat of a patrol car.

I then sealed off the entrance to the station with yellow crime scene tape and directed Officer Flores to start a log of people entering and leaving the scene. I had Officer Flores do this because I needed to stay with B [REDACTED] at the patrol car.

Officer Jon Woffinden #547

January 1, 2009, 1027 hours.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23, 2019

RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

REPORTING OFFICER(S)

J. Woffinden #547

RECORDING OFFICER

J. Woffinden #547

DATE / TIME PREPARED

01/01/09 1027 hrs

APPROVED BY:

POSITION:

☒ PENDING☐ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

Alameda County DA

☐ FAXED TO:

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Supervised Reyes prior to contact by detectives.

NARRATIVE

On 01/01/09, at about 0340hours, I was advised by Detective Tom Smith (#374) to stay with R■■■■, who was being detained for questioning. R■■■■ and I sat in the large conference room (#2) at the Lake Merritt BART Police facility for approximately two hours, before I was released by Detective Tom Smith.

R■■■■ and I engaged in general conversation about police employment opportunities, and sporting events in the bay area. R■■■■ did not make a statement in regards to what he did that evening, nor did I ask R■■■■ any questions about the incident at Fruitvale BART.

No further action taken on my part.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

SB1421

RELEASED TO: BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

J. Zwetsloot 58228

DATE/TIME

01/06/2009 11:05

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Supp-1-Zwets/58228 Entered by: Jeffrey Zwetsloot

APDC (Rev. 03/13/08) Print Date: 01/07/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE I	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX R [REDACTED] C [REDACTED] A [REDACTED]	ADDRESS 1				PHONE 1	
OCCUPATION			RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
STATE			SSN	INJURIES		ADDRESS 3		PHONE 3

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019
RELEASED TO: **SB1421**
BY SAP J-285
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER J. Zwetsloot 58228	DATE/TIME 01/06/09 11:05	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

Supplemental Report

CASE #

0901-0027

PAGE

1 OF 2

FENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; I
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

This supplemental report documents Taser download information from Taser X26 serial number X00-422063.

NARRATIVE

On 1/6/09 I met with Detective M. Maes #420 who asked me to conduct a computer download of the stored data in the Taser X26 identified by serial number of X00-422063. I was told that this Taser was the device carried by Officer J. Mehserle #544 on January 1, 2009.

At about 1520 hours I used my Taser International issued "Taser X26 USB Dataport Download Kit" to obtain and retrieve the internal data stored in the previously described Taser X26.

When I conducted the download, I reviewed the information for any notable data inconsistencies. Based on the data, the Taser was cycled six times on 10/22/08 each cycle lasted for five seconds. These five second cycles were conducted prior to the BART Police Department receiving this particular Taser. This Taser was received by BART PD in mid-December 2008 as part of a bulk order of 24 (total) Taser X26's. The data further shows a series of one second cycles. There were three one second cycles on 12/24/08, a one second cycle on 12/27/08, a one second cycle on 12/28/08, two one second cycles on 12/29/08, two one second cycles on 12/30/08, and two, two second cycles on 12/31/08. All of the one and two second cycles were consistent with BART PD Taser training where officers were instructed to conduct a "spark test" at the beginning of their shift.

A cycle is defined as an activation of the Taser by pulling the Taser's trigger. A Taser will automatically cycle for five seconds unless the Taser is turned off by the Taser user (officer). A "spark test" is when an officer activates (cycles) their Taser and then turns it off. This is done to make sure the Taser is working properly.

The two second cycles listed on 12/31/08 were recorded at 2030 hrs 18 seconds and 2030 hours 20 seconds. There were no cycles registered in this Taser X26 after the 2030 hours 20 seconds cycle. I was shown the BART PD patrol officer roster for the night of 12/31/08 which showed Officer Mehserle starting his shift at 2000hrs.

The two spark tests at 2030 hours would be consistent with Mehserle checking the status of

ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER					
BY OFFICER S. Lehman 58430		DATE/TIME 01/13/2009 14:07		APPROVED BY Alan Fueng 56615		DATE APPROVED 01/13/09	
OFFICER		UNIT/SHIFT		ASSIGNED TO		CASE STATUS Active	

Supp-1-Lehma/58430 Entered by: Stewart Lehman

APDC (Rev. 03/13/08) Print Date: 01/27/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

0901-0027

PAGE

2 OF 2

Supplemental Report

OFFENSE(S)

148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 1
242 PC; Battery; Misd.

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

This supplemental report documents Taser download information from Taser X26 serial number X00-422063.

NARRATIVE

his equipment prior to starting his patrol duties.

It should be noted that I have been a Taser instructor since February of 2002, and I am currently a Taser instructor and Taser armorer for the BART Police Department. I have attended the Taser Armorer course and the Taser Forensic Investigations course, both were taught in Arizona at Taser International's headquarters.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019
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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

FOLLOW-UP YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER			
BY OFFICER S. Lehman 58430		DATE/TIME 01/13/2009 14:07	APPROVED BY Alan Fueng 56615		DATE APPROVED 01/13/09
OFFICER		UNIT/SHIFT	ASSIGNED TO		CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

**.48 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer; 1
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM #	STATUS	QUANTITY	COLOR	COLOR 2	TYPE	MAKE	MODEL	YEAR
SLEHMAN-001	E	1			Documents/indicia	Taser information	X26 download	
SERIAL NUMBER		BAR CODE			VALUE	TOTAL	LOCATION / BIN #	
X00-422063		38986					LMA Locker 1	
DESCRIPTION							<input type="checkbox"/> FIELD RECEIPT ISSUED	
Downlaod information obtained from Taser X26 serial number X00-422063								

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

RELEASED TO: SB1421
BY SAP 1265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER S. Lehman 58430	DATE/TIME 01/13/09 14:07	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/13/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

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0901-0027

Page 1 of 3

Narrative Report

ISE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

On 01-01-09, at 0225 hours, I responded to the Fruitvale BART station as a Field Identification Technician. I arrived at Fruitvale station at 0303 hours. Upon my arrival, I was notified that it was a scene of an officer involved shooting.

I responded to the incident platform, platform number A1. I met with Officer B. Moore, a Field Identification Technician, who informed me that he had conducted a preliminary walk through of the scene. I also conducted a preliminary walk through.

Moore and I identified several pieces of evidence. Moore and I began placing evidence markers alongside items we were to collect. Moore took the responsibility of photographing the scene and the evidence at its place of rest.

I identified the south emergency gate as a fixed point of reference. The gate is located at the south end of platform number one. I rolled out a measuring tape from the south emergency gate, along side the platforms edge. I used this line as my baseline.

All evidence items were measured perpendicular from the baseline. Moore assisted me in the notation process of measuring the located items of evidence. The items of evidence and their locations are as follows:

NOTE: All measurements are approximations. All measurements were taken using a baseline method. The baseline runs north from the south emergency gate of platform A1. The objects located were then measured perpendicular from the baseline/edge of the platform, west. The emergency gate referenced in this report is located on the south end of the A1 track, of the Fruitvale BART station. All numbers below are consistent with evidence marker numbers placed at the scene.

1. One, Federal brand, .40 caliber S&W casing, found 191.9 ft. north of the south emergency gate and 15.4 ft. west of baseline.
2. One, hollow plastic piece, found 192 ft. north of south emergency gate and 14.9 ft. west of baseline.
3. One, NOIZ brand jacket, black in color, size 3XL. Found 194 ft. north of south emergency gate and 13.2 ft. west of baseline.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
FEB 23 2019

ADMINISTRATION

BY OFFICER L. Olsen Jr 57619	DATE/TIME 01/01/2009 12:29	APPROVED BY Alan Fueng 56615	RELEASED TO: SB1421
OFFICER	UNIT/SHIFT	ASSIGNED TO	DATE APPROVED 01/07/09
			CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Narrative Report

Page 2 of 3

VSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

4. One, bent BART ticket with a value of \$.50 cents on it. Found 196 ft. north of south emergency gate and 9.10 ft. west of baseline.
5. One, BART ticket with a value of \$3.00. Found 197 ft. north of south emergency gate and 8.8 ft. west of baseline.
6. One, broken cigarette, Newport brand. Found 198.4 ft. north of the south emergency gate and 10.6 ft. west of baseline.
7. One, empty, law enforcement trauma shooting kit, Townson brand. Found 200 ft. north of south emergency gate and 16.11 ft. west of baseline.
8. Latex gloves, green in color. Found 198.2 ft. north of the south emergency gate and 20.4 ft. west of the base line.
9. One, Metro PCS, flip phone, red and black in color. Found 200.5 ft. north of the south emergency gate and 19.7 ft. west of the baseline.
10. One, AKADEMIKS brand, the exterior is black in color with a plaid black and grey interior, size 3XL. Found 201 ft. north of the south emergency gate and 21.3 west of the baseline.
11. One, ECKO UNLTD brand pair of jeans, cut, with blood on right front pant pocket, with a belt attached, black in color. Found 205.7 ft. north of the south emergency gate and 15.11 ft. west of baseline.
12. Blood on platform. 202.5 ft. north of south emergency gate and 16.11 ft. west of baseline.
13. Short sleeve t-shirt, black in color, size 3XL, AL STYLE brand layered with a HAUTE brand, size 3XL, t-shirt white in color. Found 202.8 ft. north of the south emergency gate and 14.4 ft. west of the baseline.
14. One, metallic coffee mug with INTEL written on cup. Found 203.7 ft. north of south emergency gate and 11.10 ft. west of baseline.
15. NONA-T brand, size XL t-shirt with blood stain. Found 204.5 ft. north of the south emergency gate and 11.5 ft. west of baseline.
16. One, used alcohol pad and its wrapper. Found 205.8 ft. north of the south emergency gate and 8.9 ft. west of baseline.
17. One, unknown rubber piece, blue in color. Found 206.7 ft. north of the south emergency gate and 8.8 ft. west of baseline.
18. Johnson and Johnson brand, two inch role of tape, white in color. Found 208.5 ft. north of the south emergency gate and 5.4 ft. west of baseline.

CONTROLLED DOCUMENT
DUPLICATION OF RELEASE
CONTROLLED BY LAW

FEB 23 2019

RELEASED TO: **SB 1421**
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER L. Olsen Jr 57619	DATE/TIME 01/01/2009 12:29	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Page 3 of 3

Narrative Report

NSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

NARRATIVE

19. One, half consumed bottle of VITAMINWATER brand water. Found 217.4 ft. north of the south emergency gate and 19.11 ft. west of baseline.
20. Coogi brand clothing tag. Found 228 ft. north of the south emergency gate and 13.6 ft. west of baseline.
21. One, pick comb, black in color. Found 224.9 ft. north of the south emergency gate and 8.4 ft. west of baseline.
22. Coogi brand clothing price tag. Found 226.2 ft. north of the south emergency gate and 7.5 ft. west of baseline.
23. One, Samsung brand cellular phone battery, serial number TH2Q7285S/4-G. Found 226.7 ft. north of the south emergency gate and 16.1 ft. west of baseline.
24. One, Metro PCS, Samsung brand cellular phone, no battery, model number SCH-R450. Found 231.4 ft. north of the south emergency gate and 17.8 ft. west of baseline.
25. One, cellular phone back plate/battery cover, Samsung brand, black in color. Found 41.2 ft. north of the south emergency gate and 14.1 ft. west of baseline.

After all measurements were completed, the evidence items were collected by Officer W. Malone (see Malone's evidence supplemental). I assisted Malone in the notation process of the items he collected.

I also assisted Malone in the hanging of the clothing items that needed to be dried. Malone placed the aforementioned items in dry cabinet number one at the Lake Merrit BART Police facility.

I returned to the Castro Valley BART Police facility where I completed my diagram and this report.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

RELEASED TO: **SB 1421**

BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER L. Olsen Jr 57619	DATE/TIME 01/01/2009 12:29	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

NSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

ADDITIONAL OFFENSE(S)

ADDITIONAL OFFENSE(S) cont'd.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

BY OFFICER L. Olsen Jr 57619	DATE/TIME 01/05/09 07:13	APPROVED BY Vicki White 56998	DATE APPROVED 01/05/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF **4**

Evidence Supplemental

DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02	
LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT
CASE SUMMARY	SECTOR		

NARRATIVE

On 01-01-09, at 0225 hours, I responded to the Fruitvale BART station as a Field Identification Technician. I arrived at Fruitvale station at 0303 hours. Upon my arrival, I was notified that it was a scene of an officer involved shooting.

I responded to the incident platform, platform number A1. I met with Officer B. Moore, a Field Identification Technician, who informed me that he had conducted a preliminary walk through of the scene. I also conducted a preliminary walk through.

Moore and I identified several pieces of evidence. Moore and I began placing evidence markers alongside items we were to collect. Moore took the responsibility of photographing the scene and the evidence at its place of rest.

I identified the south emergency gate as a fixed point of reference. The gate is located at the south end of platform number one. I rolled out a measuring tape from the south emergency gate, along side the platforms edge. I used this line as my baseline.

All evidence items were measured perpendicular from the baseline. Moore assisted me in the notation process of measuring the located items of evidence. The items of evidence and their locations are as follows:

NOTE: All measurements are approximations. All measurements were taken using a baseline method. The baseline runs north from the south emergency gate of platform A1. The objects located were then measured perpendicular from the baseline/edge of the platform, west. The emergency gate referenced in this report is located on the south end of the A1 track, of the Fruitvale BART station. All numbers below are consistent with evidence marker numbers placed at the scene.

1. One, Federal brand, .40 caliber S&W casing, found 191.9 ft. north of the south emergency gate and 15.4 ft. west of baseline.
2. One, hollow plastic piece, found 192 ft. north of south emergency gate and 14.9 ft. west

CONTROLLED DOCUMENT
BY LOCATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2009

SB1421

ADMINISTRATION

COPIES TO: <input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER		RELEASED TO: SB1421 BY SAP J-265	
BY OFFICER L. Olsen Jr 57619	DATE/TIME 01/01/2009 12:29	APPROVED BY Alan Fueng 56615	DATE APPROVED 01/07/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Evid-1-Olsen/57619 Entered by: Leonard Olsen Jr

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
2 OF 4

Evidence Supplemental

INSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

of baseline.

3. One, NOIZ brand jacket, black in color, size 3XL. Found 194 ft. north of south emergency gate and 13.2 ft. west of baseline.
4. One, bent BART ticket with a value of \$.50 cents on it. Found 196 ft. north of south emergency gate and 9.10 ft. west of baseline.
5. One, BART ticket with a value of \$3.00. Found 197 ft. north of south emergency gate and 8.8 ft. west of baseline.
6. One, broken cigarette, Newport brand. Found 198.4 ft. north of the south emergency gate and 10.6 ft. west of baseline.
7. One, empty, law enforcement trauma shooting kit, Townson brand. Found 200 ft. north of south emergency gate and 16.11 ft. west of baseline.
8. Latex gloves, green in color. Found 198.2 ft. north of the south emergency gate and 20.4 ft. west of the base line.
9. One, Metro PCS, flip phone, red and black in color. Found 200.5 ft. north of the south emergency gate and 19.7 ft. west of the baseline.
10. One, AKADEMIKS brand, the exterior is black in color with a plaid black and grey interior, size 3XL. Found 201 ft. north of the south emergency gate and 21.3 west of the baseline.
11. One, ECKO UNLTD brand pair of jeans, cut, with blood on right front pant pocket, with a belt attached, black in color. Found 205.7 ft. north of the south emergency gate and 15.11 ft. west of baseline.
12. Blood on platform. 202.5 ft. north of south emergency gate and 16.11 ft. west of baseline.
13. Short sleeve t-shirt, black in color, size 3XL, AL STYLE brand layered with a HAUTE brand, size 3XL, t-shirt white in color. Found 202.8 ft. north of the south emergency gate and 14.4 ft. west of the baseline.
14. One, metallic coffee mug with INTEL written on cup. Found 203.7 ft. north of south emergency gate and 11.10 ft. west of baseline.
15. NONA-T brand, size XL t-shirt with blood stain. Found 204.5 ft. north of the south emergency gate and 11.5 ft. west of baseline.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED

FEB 23 2019

ADMINISTRATION

RELEASED TO: **SB1421**

UP-
YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VVAP

☐ OTHER

BY OFFICER

L. Olsen Jr 57619

DATE/TIME

01/01/2009 12:29

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Evid-1-Olsen/57619 Entered by: Leonard Olsen Jr

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
3 OF **4**

Evidence Supplemental

USE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURRENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURRENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

16. One, used alcohol pad and its wrapper. Found 205.8 ft. north of the south emergency gate and 8.9 ft. west of baseline.
17. One, unknown rubber piece, blue in color. Found 206.7 ft. north of the south emergency gate and 8.8 ft. west of baseline.
18. Johnson and Johnson brand, two inch role of tape, white in color. Found 208.5 ft. north of the south emergency gate and 5.4 ft. west of baseline.
19. One, half consumed bottle of VITAMINWATER brand water. Found 217.4 ft. north of the south emergency gate and 19.11 ft. west of baseline.
20. Coogi brand clothing tag. Found 228 ft. north of the south emergency gate and 13.6 ft. west of baseline.
21. One, pick comb, black in color. Found 224.9 ft. north of the south emergency gate and 8.4 ft. west of baseline.
22. Coogi brand clothing price tag. Found 226.2 ft. north of the south emergency gate and 7.5 ft. west of baseline.
23. One, Samsung brand cellular phone battery, serial number TH2Q7285S/4-G. Found 226.7 ft. north of the south emergency gate and 16.1 ft. west of baseline.
24. One, Metro PCS, Samsung brand cellular phone, no battery, model number SCH-R450. Found 231.4 ft. north of the south emergency gate and 17.8 ft. west of baseline.
25. One, cellular phone back plate/battery cover, Samsung brand, black in color. Found 241.2 ft. north of the south emergency gate and 14.1 ft. west of baseline.

After all measurements were completed, the evidence items were collected by Officer W. Malone (see Malone's evidence supplemental). I assisted Malone in the notation process of the items he collected.

I also assisted Malone in the hanging of the clothing items that needed to be dried. Malone placed the aforementioned items in dry cabinet number one at the Lake Merritt BART Police facility.

RELEASED TO: **SB1421**
BY SAP 1-265
BART POLICE DEPARTMENT
CONTROLLED BY LAW

FEB 23 2019

ADMINISTRATION

W-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ WAP

☐ OTHER

BY OFFICER

L. Olsen Jr 57619

DATE/TIME

01/01/2009 12:29

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Evid-1-Olsen/57619 Entered by: Leonard Olsen Jr

APDC (Rev. 03/13/08) Print Date: 01/10/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
4 OF **4**

Evidence Supplemental

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

I returned to the Castro Valley BART Police facility where I completed my diagram and this report.

**CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

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BART POLICE DEPARTMENT
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ADMINISTRATION

W-UP

YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

L. Olsen Jr 57619

DATE/TIME

01/01/2009 12:29

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/07/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Evid-1-Olsen/57619 Entered by: Leonard Olsen Jr

LEGEND

NOTE: All measurements are approximations. All measurements were taken using a baseline method. The baseline runs north from the south emergency exit of platform A1. The objects located were then measured perpendicular from the baseline/edge of the platform, west. The emergency gate referenced in this report is located on the south end of the A1 track, of the Fruitvale BART station. All numbers below are consistent with evidence marker numbers placed at the scene.

1. One, Federal brand, .40 caliber S&W casing, found 191.9 ft. north of the south emergency gate and 15.4 ft. west of baseline.
2. One, hollow plastic piece, found 192 ft. north of south emergency gate and 14.9 ft. west of baseline.
3. One, NOIZ brand jacket, black in color, size 3XL. Found 194 ft. north of south emergency gate and 13.2 ft. west of baseline.
4. One, bent BART ticket with a value of \$.50 cents on it. Found 196 ft. north of south emergency gate and 9.10 ft. west of baseline.
5. One, BART ticket with a value of \$3.00. Found 197 ft. north of south emergency gate and 8.8 ft. west of baseline.
6. One, broken cigarette, Newport brand. Found 198.4 ft. north of the south emergency gate and 10.6 ft. west of baseline.
7. One, empty, law enforcement trauma shooting kit, Townson brand. Found 200 ft. north of south emergency gate and 16.11 ft. west of baseline.
8. Latex gloves, green in color. Found 198.2 ft. north of the south emergency gate and 20.4 ft. west of the base line.
9. One, Metro PCS, flip phone, red and black in color. Found 200.5 ft. north of the south emergency gate and 19.7 ft. west of the baseline.
10. One, AKADEMIKS brand, the exterior is black in color with a plaid black and grey interior, size 3XL. Found 201 ft. north of the south emergency gate and 21.3 west of the baseline.
11. One, ECKO UNLTD brand pair of jeans, cut, with blood on right front pant pocket, with a belt attached, black in color. Found 205.7 ft. north of the south emergency gate and 15.11 ft. west of baseline.
12. Blood on platform. 202.5 ft. north of south emergency gate and 16.11 ft. west of baseline.
13. Short sleeve t-shirt, black in color, size 3XL, AL STYLE brand layered with a HAUTE brand, size 3XL, t-shirt white in color. Found 202.8 ft. north of the south emergency gate and 14.4 ft. west of the baseline.
14. One, metallic coffee mug with INTEL written on cup. Found 203.7 ft. north of south emergency gate and 11.10 ft. west of baseline.
15. NONA-T brand, size XL t-shirt with blood stain. Found 204.5 ft. north of the south emergency gate and 11.5 ft. west of baseline.
16. One, used alcohol pad and its wrapper. Found 205.8 ft. north of the south emergency gate and 8.9 ft. west of baseline.

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NOT FOR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
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17. One, unknown rubber piece, blue in color. Found 206.7 ft. north of the south emergency gate and 8.8 ft. west of baseline.
18. Johnson and Johnson brand, two inch role of tape, white in color. Found 208.5 ft. north of the south emergency gate and 5.4 ft. west of baseline.
19. One, half consumed bottle of VITAMINWATER brand water. Found 217.4 ft. north of the south emergency gate and 19.11 ft. west of baseline.
20. Coogi brand clothing tag. Found 228 ft. north of the south emergency gate and 13.6 ft. west of baseline.
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23. One, Samsung brand cellular phone battery, serial number TH2Q7285S/4-G. Found 226.7 ft. north of the south emergency gate and 16.1 ft. west of baseline.
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25. One, cellular phone back plate/battery cover, Samsung brand, black in color. Found 241.2 ft. north of the south emergency gate and 14.1 ft. west of baseline.

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
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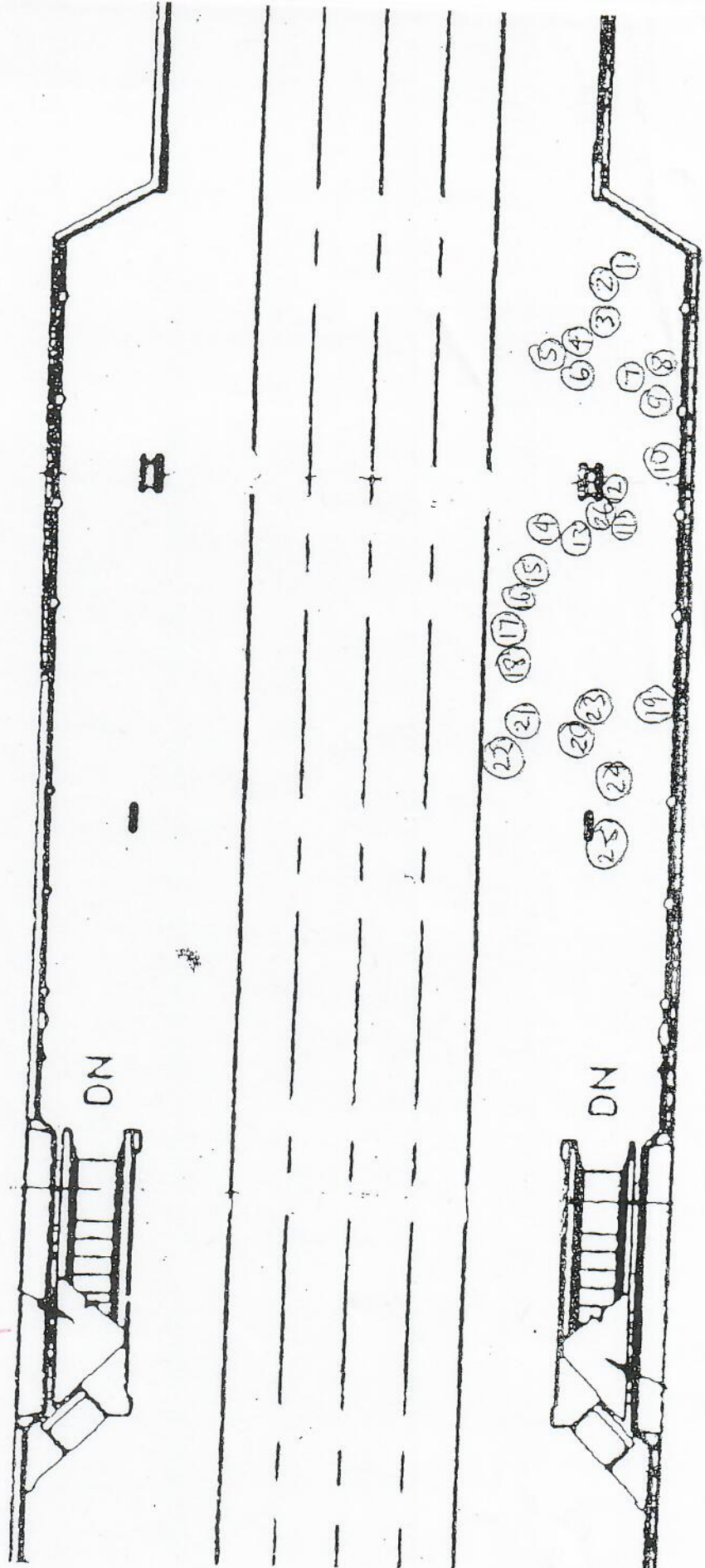
0901-00



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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
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OR NO. 4



Hand-drawn circles containing the following text from left to right: G2, G, SI, W, S3, S4, S5.

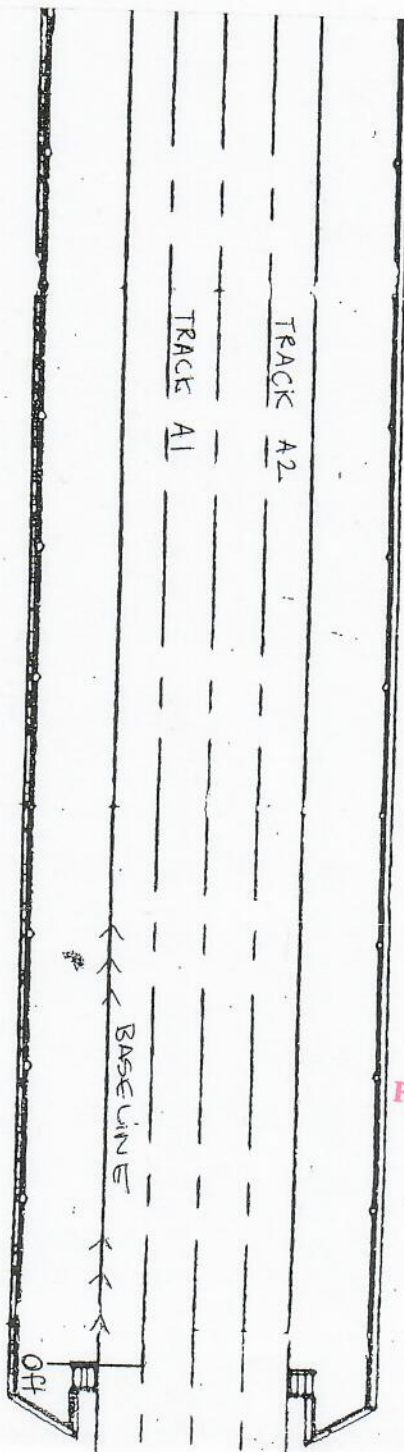
NO

CONTROLLED DOCUMENT
DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

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RELEASED TO: SB1421
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BART POLICE DEPARTMENT
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NO



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DUPLICATION OR REISSUANCE
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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

0901-0027

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Evidence Supplemental

Offense(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

NARRATIVE

On 01-01-09, working as an Field Identification Technician, I wrote a report documenting the location, of the items of evidence found at the scene. During the process of measuring and taking notes, I wore latex gloves. I wore latex gloves so as to not contaminate the evidence.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

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ADMINISTRATION

FOLLOW-UP
YES ☐ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER
L. Olsen Jr 57619

DATE/TIME
01/28/2009 01:01

APPROVED BY
Alan Fueng 56615

DATE APPROVED
01/28/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS
Active

Evid-2-Olsen/57619 Entered by: Leonard Olsen Jr

APDC (Rev. 03/13/08) Print Date: 01/30/2009

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

1 OF 3

Supplemental Report

ENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I was detailed to Highland Hospital to guard a subject involved in an officer related shooting at FVS.

Codes: S = Suspect A = Arrestee D = Detainee

SUSPECT(S) / ARRESTEE(S)

SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

CODE	S	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX					ADDRESS 1		
RACE	B	SEX	M	HT	WT	HAIR	EYE	AGE	DOB	PHONE 1
OCCUPATION								ADDRESS 2	PHONE 2	
SCARS / MARKS / TATTOOS	YES <input type="checkbox"/> NO <input type="checkbox"/>		AKA'S		ADDRESS 3		PHONE 3			
DL	STATE		ARRESTED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	BOOKING #	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME		
CHARGES					WARRANT	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	CITATION #	SS#		
								CII#		

NARRATIVE

On 01-01-09, at about 0440 hours, FTO Reese #472, Officer Enerio #563 and I were detailed to Highland Hospital in patrol vehicle #1037 to conduct a patrol watch of a subject injured in an officer related shooting.

Upon our arrival at 0500 hours on the above listed date, FTO Reese and I arrived at Highland Hospital and relieved Officers Cruz #423 and Guanzon #517 from patrol watch of the subject. Officer Enerio left us to watch another subject for a different and unrelated case. At 0513 hours, the subject who was later identified by hospital staff as Oscar Grant, was moved from the fifth floor (surgery unit), to the fourth floor intensive care unit, room number nine (ICU #9).

At 0515 hours, on the above listed date, Assistant Nurse E. M. handed me a plastic, transparent, circular container containing an expended bullet. The container was taped closed with "Oscar Grant" written on an approximately one inch by two inch piece of paper also taped to the container. Mellion told me the bullet was associated with the subject (Grant). The bullet was severely damaged and separated from its casing. The bullet had spots of what appeared to be blood still in its liquid form on various parts of it. I secured the evidence, never removing it from the container Nurse M. gave me. The bullet evidence never left my custody until it was later booked by me into evidence locker number seven at

ADMINISTRATION

FEB 23 2019

UP-UP	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	COPIES TO:	<input type="checkbox"/> PAT. <input type="checkbox"/> DET. <input type="checkbox"/> DA <input type="checkbox"/> COURT <input type="checkbox"/> PROBATION <input type="checkbox"/> VWAP <input type="checkbox"/> OTHER
BY OFFICER	G. Narcisse 056566	DATE/TIME	01/01/2009 18:19
OFFICER		APPROVED BY	Mark Macaulay 55796
		UNIT/SHIFT	ASSIGNED TO
		DATE APPROVED	01/01/09
		CASE STATUS	Active

Supp-1-Narci/056566 Entered by: George Narcisse

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

Supplemental Report

PAGE
2 OF **3**

ENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
01/01/09 02:02 Thursday

DATE AND TIME REPORTED
01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I was detailed to Highland Hospital to guard a subject involved in an officer related shooting at FVS.

NARRATIVE

the Lake Merritt BART Police substation.

At about 0545 hours, on the above listed date, Officer Vuong #486 and Officer Bush #334 arrived to photograph Grant. An update of Grant by one of the treating doctors, (Dr. J. W. [REDACTED]) revealed that Grant was unconscious and unresponsive at the time he was photographed.

At 0640 hours I was contacted by Alameda County District Attorney Inspector Frank Moschetti who told me he was there for the "Grant case." Moschetti handed me a business card and proceeded to Grant's room to observe him and to gather information from attending doctors.

At 0709 hours, on the above listed date, Dr. W. [REDACTED] informed me that Grant was still unconscious and not expected to survive his injuries. At that time Dr. W. [REDACTED] informed me that she was going to allow Grant's mother and other family members to visit him two at a time. I visually confirmed Grant was unconscious and because of the medical devices located in his mouth, he would not be able to speak.

At 0713 hours, on the above listed date, I observed two females escorted by Dr. W. [REDACTED] to ICU #9 where Grant was located. As I watched one of the females, (who apparently was his mother) speak to Grant, he did not acknowledge nor did he respond to her. After a brief visit, Grant's mother left the room and returned three separate times with three different women. There was no dialogue between Grant and any of occupants in the room.

At 0913 hours, on the above listed date, I was notified by Dr. W. [REDACTED] that Grant had died from his injuries. At 1000 hours, led by Alameda County Sheriff's Sergeant Dutra #945, Grant's dead body was relocated to the hospital's morgue until the coroner would be able to remove the body.

I was told by Dr. W. [REDACTED] that Doctor T. W. [REDACTED] was the lead doctor who classified Grant as

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CONTROLLED BY LAW

FEB 23 2009
SB 1421

ADMINISTRATION

DW-LUP
YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER
G. Narcisse 056566

DATE/TIME
01/01/2009 18:19

APPROVED BY
Mark Macaulay 55796

UNIT/SHIFT

ASSIGNED TO

DATE APPROVED
01/01/09

CASE STATUS
Active

Supp-1-Narci/056566 Entered by: George Narcisse

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department

800 Madison Street, PO Box 12688

Oakland, CA 94604-2688

CASE #

0901-0027

PAGE

3 OF 3

OFFENSE(S)

Supplemental Report

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

I was detailed to Highland Hospital to guard a subject involved in an officer related shooting at FVS.

NARRATIVE

diseased. I asked for and received a copy of Grant's Certificate of Death and his toxicology report from Dr. W. According to the Certificate of Death, Grant died from Hemorrhagic shock secondary to gunshot wound to the right chest. At 1020 hours, I was transported, along with the evidence, from Highland Hospital to the Lake Merritt BART Police Administrative Offices by BART Community Service Officer K. Potter #J296.

At 1236 hours on the above listed date, I took nine digital photographs of the container containing the expended round and burned the images onto three compact discs (image numbers 1000289 to 1000297). I turned two of the discs over to Detective J. Enriquez #456 and booked the third into evidence locker number #7 as item #GNARCIS-002. I booked the expended (bullet) round and its packaging into evidence locker number #7 at the Lake Merritt BART Police Station. FTO Reese #472 witnessed my collection, custody, processing, and booking of the evidence. The expended round was never removed from the container it was in. The entire container was sealed in a KAPAK bag per Detective Sergeant Fueng's #S47 instruction and placed into an evidence envelope and booked as item number GNARCIS-001. The Certificate of Death and the Toxicology report were submitted as scanned documents in this case. At 1300 hours I booked the above listed evidence items into evidence locker #7 at the Lake Merritt BART Police Station.

No further action was taken.

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DUPLICATION OR REISSUANCE
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ADMINISTRATION

W-UP
YES ☒ NO ☐

COPIES TO:

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☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER
G. Narcisse 056566

DATE/TIME
01/01/2009 18:19

APPROVED BY
Mark Macaulay 55796

DATE APPROVED
01/01/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS
Active

Supp-1-Narci/056566 Entered by: George Narcisse

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE 1 OF 1

Additional Crimes, Persons and Vehicles

OFFENSE(S)		OFFENSE(S) cont'd.	
DATE, TIME AND DAY OF OCCURENCE 01/01/09 02:02 Thursday		DATE AND TIME REPORTED 01/01/09 02:02	
LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT
ADDITIONAL OFFENSE(S)		ADDITIONAL OFFENSE(S) cont'd.	

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES
YES ☐ NO ☐

CODE O	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX W J [REDACTED]	BUSINESS [REDACTED]		[REDACTED]	
OCCUPATION Doctor	RACE Z	SEX F	AGE	DOB	ADDRESS 2	PHONE 2
DL	STATE	SSN	INJURIES	ADDRESS 3	PHONE 3	
CODE V	1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX California, State of	ADDRESS 1		PHONE 1	
OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
DL	STATE	SSN	INJURIES	ADDRESS 3	PHONE 3	

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DUPLICATION OR REISSUANCE
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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER G. Narcisse 056566	DATE/TIME 01/01/09 18:19	APPROVED BY Mark Macaulay 55796	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688
Property and Evidence

CASE #
0901-0027

Page 1 of 1

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

TOTAL PROPERTY VALUE

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PROPERTY ITEMS

ITEM # GNARCIS-001	STATUS E	QUANTITY 1	COLOR OTH	COLOR 2	TYPE Ammo/explosives	MAKE Unknown	MODEL Expended round	YEAR
SERIAL NUMBER	BAR CODE 38812	VALUE	TOTAL	LOCATION / BIN # LMA Locker 7				
DESCRIPTION One KAPAK sealed, expended (bullet) round recovered from Asst. Nurse M [REDACTED] at Highland Hospital by Ofcr. Narcisse #564								<input type="checkbox"/> FIELD RECEIPT ISSUED
ITEM # GNARCIS-002	STATUS E	QUANTITY 1	COLOR WHI	COLOR 2	TYPE CD Recordings / Photos	MAKE Unknown	MODEL Compact Disc	YEAR
SERIAL NUMBER	BAR CODE 38813	VALUE	TOTAL	LOCATION / BIN # LMA Locker 7				
DESCRIPTION One compact disc containing nine digital images of evidence item GNARCIS-001.								<input type="checkbox"/> FIELD RECEIPT ISSUED

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FEB 23 2019

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ADMINISTRATION

BY OFFICER G. Narcisse 056566	DATE/TIME 01/01/09 18:19	APPROVED BY Mark Macaulay 55796	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

CASE #
0901-0027

PAGE 1 OF 1

Person Profile

NSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

LOCATION NAME

TYPE OF LOCATION

BEAT

SECTOR

PERSONS

Codes: V = Victim W = Witness S = Suspect A = Arrestee D = Detainee C = Complainant R = Party O = Other

MORE NAMES

YES ☐ NO ☐

CODE

S

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

Grant, Oscar

This report contains Person Profile information only.

Please refer to the primary report(s) for additional information.

MO INFORMATION

BART Individual Type

Other

CLOTHING

CODE

V

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

California, State of

DOB

This report contains Person Profile information only.

Please refer to the primary report(s) for additional information.

MO INFORMATION

BART Individual Type

Other

Other

CODE

O

1 OF 1

NAME - LAST, FIRST, MIDDLE, SUFFIX

W J

DOB

This report contains Person Profile information only.

Please refer to the primary report(s) for additional information.

MO INFORMATION

Appearance

Professional

Well groomed

BART Individual Type

Not a BART Individual

Build

Thin

Complexion

Light/Fair

Demeanor

Polite

Professional

Hair Length

Shoulder length

Hair Style

Styled

Hair Type

Fine

CLOTHING

Smock

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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BY SAP J-265
BART POLICE DEPARTMENT
CONFIDENTIAL

ADMINISTRATION

BY OFFICER G. Narcisse 056566	DATE/TIME 01/01/09 18:19	APPROVED BY Mark Macaulay 55796	DATE APPROVED 01/01/09
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Active

Arrest ☐
Crime ☒
Non-Criminal ☐

BART Police Department
800 Madison Street, PO Box 12688
Oakland, CA 94604-2688

CASE #
0901-0027

PAGE
1 OF 1

Supplemental Report

ISE(S)

**148 (A)(1) PC; Willfully Resists, Delays, or Obstructs Public, Peace Officer;
242 PC; Battery; Misd.**

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE

01/01/09 02:02 Thursday

DATE AND TIME REPORTED

01/01/09 02:02

LOCATION OF OCCURENCE

3401 East 12th St, Oakland - 01 - - Paid

LOCATION NAME

FVS - Fruitvale Station

TYPE OF LOCATION

BEAT

SECTOR

CASE SUMMARY

Detective supplement

NARRATIVE

Detective Supplement #4:

On 01/12/09 at about 0957 hours, I obtained a recorded statement from T [REDACTED] A [REDACTED] (Paramedic/ Fire fighter, O.F.D.). At about 1326 hours, I obtained a recorded statement from Lt. S [REDACTED] H [REDACTED] (O.F.D.). At about 1343 hours, I obtained a recorded statement from G [REDACTED] F [REDACTED] (Fire fighter, O.F.D.).

On 01/13/09 at about 1329 hours, I obtained a recorded statement from J [REDACTED] W [REDACTED] (Engineer of Fire, O.F.D.).

Please see Page 2 - scanned document.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW**

FEB 23 2019

**RELEASED TO: SB1421
BY SAP I-265
BART POLICE DEPARTMENT
CONFIDENTIAL**

ADMINISTRATION

JW-UP

YES ☒ NO ☐

COPIES TO:

☐ PAT.

☐ DET.

☐ DA

☐ COURT

☐ PROBATION

☐ VWAP

☐ OTHER

BY OFFICER

A. McNack 57744

DATE/TIME

01/15/2009 14:58

APPROVED BY

Alan Fueng 56615

DATE APPROVED

01/19/09

OFFICER

UNIT/SHIFT

ASSIGNED TO

CASE STATUS

Active

Supp-2-McNac/57744 Entered by: Anisa McNack

APDC (Rev. 03/13/08) Print Date: 01/19/2009

- ☐ PROPERTY / EVIDENCE / PHOTO
☐ NARRATIVE CONTINUATION
☒ FOLLOW-UP / SUPPLEMENT
☐ VICTIM / WITNESS STATEMENT

POLICE REPORT

BART POLICE DEPARTMENT
OAKLAND, CALIFORNIA 94607

CASE #

0901-0027

DATE / TIME OF SUPPLEMENT

4/22/10, 1420

1. CODE SECTION(S)

2. CRIME(S) / CLASSIFICATION(S)

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3. VICTIM'S NAME - LAST, FIRST, M.I.

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4. ADDRESS

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5. PHONE

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PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED,
INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS

Criminal Investigations Supplemental Report

Docket# 547353

In October 2009, I (Fueng) received a supplemental report from Det. Enriquez. Enriquez' report, written at my request, was related to this case. The report requested that the Alameda County District Attorney's Office review the actions and conduct of those detained on the Fruitvale Station platform and consider filing the requested criminal charges.

I later provided Enriquez' supplemental report to Cmdr. White and Lt. Alkire for their review. My recommendation was that Enriquez' report should be submitted to the DA's Office before the misdemeanor statute of limitations expired on 12/31/09.

Cmdr. White stated that Chief Gee did not want charges to be sought and that she concurred with his decision. Enriquez' supplemental report, which I approved in October 2009, was given to Lieutenant of Inspectors B. Conner of the DA's Office on 4/8/10.

On 4/15/10, I telephoned Alameda County DDA D. Stein and advised him that this report would be completed and a copy would be provided to his office.

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DUPLICATION OR REISSUANCE
CONTROLLED BY LAW

FEB 23 2019

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REPORTING OFFICER(S)

A. Fueng S47 AFS47

RECORDING OFFICER

S47

DATE / TIME PREPARED

4/22/10, 1420

APPROVED BY:

M/A L-13

DISPOSITION:

☐ PENDING☒ CLOSED☐ SUSPENDED☐ UNFOUNDED

COPIES TO:

☒ DETECTIVES☐ TAG☐ SET☐ TRAFFIC☐ BART SAFETY☐ BART INSURANCE☒ OTHER:

AlCo DA/BART legal

☐ FAXED TO:

ALAMEDA COUNTY
SHERIFF'S OFFICE

CRIME LABORATORY EXAMINATION REPORT

SUBMITTING AGENCY Bay Area Rapid Transit District Police Department		LABORATORY NUMBER L09-0350
EXAMINATION REQUESTED BY Detective Enriquez	VICTIM OR SUSPECT (V) GRANT, Oscar	CASE NUMBER 0901-27
LABORATORY CLASSIFICATION Gunshot Residue Examinations	DATE EXAMINED June 19-23, 2009	OFFENSE 187 PC

DESCRIPTION OF EVIDENCE

One sealed evidence envelope (Item 1), relative to the above case, was received into the Laboratory by Criminalist M. Hensley from Detective J. Enriquez on March 24, 2009. The contents were described on the envelope as follows:

Item 1 "ONE GUN SHOT RESIDUE KIT FROM OSCAR GRANT COLLECTED BY OFFICER J. VUONG #486"

It was requested that the submitted hand lift samples be examined for the presence of gunshot residues.

EXAMINATION RESULTS

The envelope contained one Alameda County Sheriff's Office Crime Lab Gunshot Residue (GSR) collection kit. The kit was described as collected from GRANT, Oscar on January 2, 2009. The kit contained one GSR evidence collection information form and two standard vials with sampling disks for Back of Right Hand and Back of Left Hand respectively.

Particle analysis examinations were conducted on the above described hand lift samples using the Scanning Electron Microscope and Energy Dispersive X-ray analyzer system (SEM-EDX).

The results are summarized as follows:

Item 1

Oscar Grant	Back of Right Hand	No Gunshot Residue was found.
Oscar Grant	Back of Left Hand	No Gunshot Residue was found.

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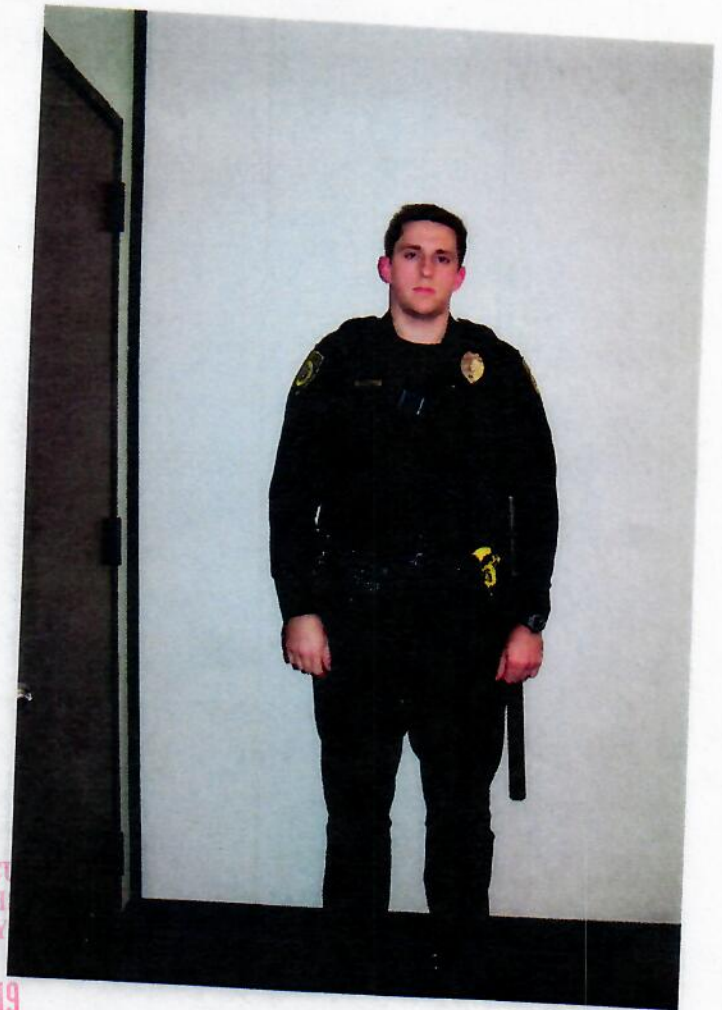
The kit was sealed into the evidence envelope and will be returned to the Alameda County District Attorney's Office.

EXAMINER'S NAME Ann M. Keeler	DATE OF REPORT June 25, 2009	FILENAME 00090482.DOC
	TITLE Criminalist III	REPORT DISTRIBUTION
	TITLE Supervising Criminalist	Page 1 of 1

<input type="checkbox"/> PROPERTY / EVIDENCE / PHOTO <input type="checkbox"/> NARRATIVE CONTINUATION <input checked="" type="checkbox"/> FOLLOW-UP / SUPPLEMENT <input type="checkbox"/> VICTIM / WITNESS STATEMENT		<h2 style="margin: 0;">POLICE REPORT</h2> <p style="margin: 0;">BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607</p>		CASE # 0901-0027 DATE / TIME OF SUPPLEMENT 10-20-2009/0800	
1. CODE SECTION(S) 148(a)(1)PC		2. CRIME(S) / CLASSIFICATION(S) Obstructing, resisting and delaying a police officer			
3. VICTIM'S NAME - LAST, FIRST, M.I. State of California		4. ADDRESS		5. PHONE	
PROPERTY / EVIDENCE / PHOTO - DESCRIPTION, MODEL #, SERIAL #, VALUE, LOCATION STORED, HOW MARKED, INDICATE BY * IF PROPERTY / EVIDENCE ENTERED INTO AUTOMATED SYSTEMS					
<p>Detective Supplement:</p> <p>I was directed by Sergeant Fueng #S47 to complete this supplemental report which covers the possible criminal conduct of the suspects detained on the Fruitvale platform on 1-01-2009.</p> <p>During this investigation, I have interviewed numerous witnesses and I have also reviewed numerous reports prepared by other BART police investigators and BART police officers. These reports include civilian witnesses and witness officers' interview summaries. I have listened to recorded interviews conducted by OPD investigators and personnel from the Alameda County District Attorney's Office. I have reviewed investigative logs and reports submitted by these agencies that pertain to the interviews they have conducted. I have also reviewed the 5 known amateur videos (taken by [REDACTED] V [REDACTED] I [REDACTED] C [REDACTED] and D [REDACTED] as well as a BART surveillance video and BART dispatch audio recordings.</p> <p>As a result of the investigation, I have cause to believe that G [REDACTED] A [REDACTED] R [REDACTED] and J [REDACTED] were in violation of 148(a)(1)PC-Delaying and Obstructing a police officer. N [REDACTED] was not in violation of 148(a)(1)PC as he complied with the orders of the officers. The following is a summary of previously written and submitted reports concerning the actions of the uniformed officers on the platform as well as the subjects detained.</p> <p>Officer Pirone (wearing full police uniform) was dispatched to investigate a fight in a train holding on the platform at the Fruitvale BART Station. Dispatch broadcasted that a large group of black males wearing black were still engaged near the lead car. When Pirone arrived on the platform he saw a group matching the description of the subjects involved outside of the lead car of the train. This was consistent with the details of the dispatched call. A female in the group was yelling. Pirone approached the group. G [REDACTED] and Grant reboarded the train as N [REDACTED], J [REDACTED] and R [REDACTED] walked towards Pirone. Pirone detained R [REDACTED]</p>					
REPORTING OFFICER(S) J. Enriquez #456		RECORDING OFFICER #456		DATE / TIME PREPARED 10-22-2009/1055	
DISPOSITION: <input checked="" type="checkbox"/> PENDING <input type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		APPROVED BY: AFS474-8-10 COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input checked="" type="checkbox"/> OTHER: ALCO DA'S OFFICE 4-8-10 <input type="checkbox"/> FAXED TO:			

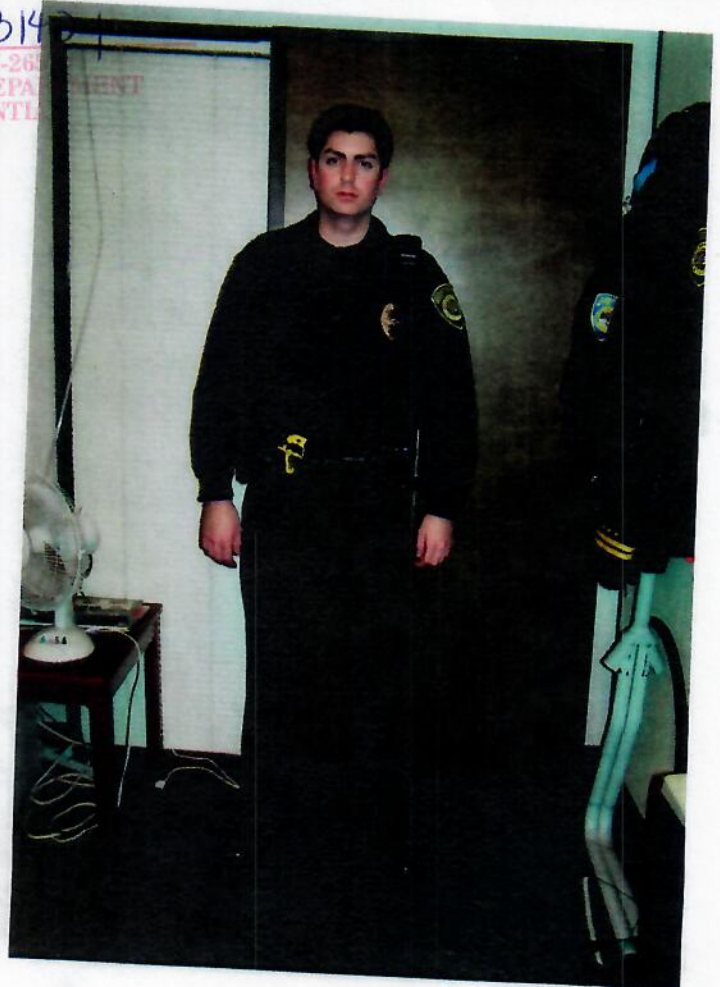
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<p>J [REDACTED] and N [REDACTED] on the platform. Pirone had them sit against the wall. When Officer Domenici arrived to watch the detainees, Pirone returned to the train and detained Grant. Grant sat on the wall with R [REDACTED] J [REDACTED] and N [REDACTED]. Pirone explained to Grant the reason for contact.</p> <p>Pirone returned to the train and found G [REDACTED]. Pirone repeatedly ordered G [REDACTED] to get off the train. Pirone physically pulled G [REDACTED] off the train by grabbing his shirt. According to Pirone, G [REDACTED] took a fighting stance with his hands up. This is a violation of 148(a)PC-Obstructing, resisting and delaying a peace officer. Pirone took G [REDACTED] to the ground using a leg sweep technique. Pirone placed handcuffs on G [REDACTED] and took him into custody. G [REDACTED] was subsequently transported to the Lake Merritt BART Station after the officer-involved shooting.</p> <p>In regards to the criminal involvement of A [REDACTED] the V [REDACTED] video and Fruitvale station video show that he (A [REDACTED]) approached the officers who were attempting to control the other group (Grant, G [REDACTED], R [REDACTED], J [REDACTED] and N [REDACTED]). A [REDACTED] repeatedly approached and backed away from the officers several times during the detention of Grant's group. At one point during the incident, A [REDACTED] was within arm's reach of Domenici (who was standing between A [REDACTED] group and Grant's group). This behavior diverted Domenici's attention from the detainees. Domenici ordered A [REDACTED] and his group multiple times to back away from the officers and herself. This is a violation of 148(a)(1)PC-obstructing, resisting and delaying a police officer. Domenici stated in an interview that she believed A [REDACTED] and the other subjects in his group were trying to distract the officers' attention away from Grant's group. Domenici described A [REDACTED] actions as taunting/toying. Domenici was afraid for her own safety and believed that she was going to get rushed by the group. A [REDACTED] was subsequently tackled by Officer Knudtson and taken into custody. A [REDACTED] was later transported to the Lake Merritt BART Station.</p> <p>As it pertains to the criminal involvement of J [REDACTED] B [REDACTED] he (J [REDACTED]) complied with Pirone during the initial detention on the platform. When Pirone was struggling to take G [REDACTED] into custody, J [REDACTED]</p>					
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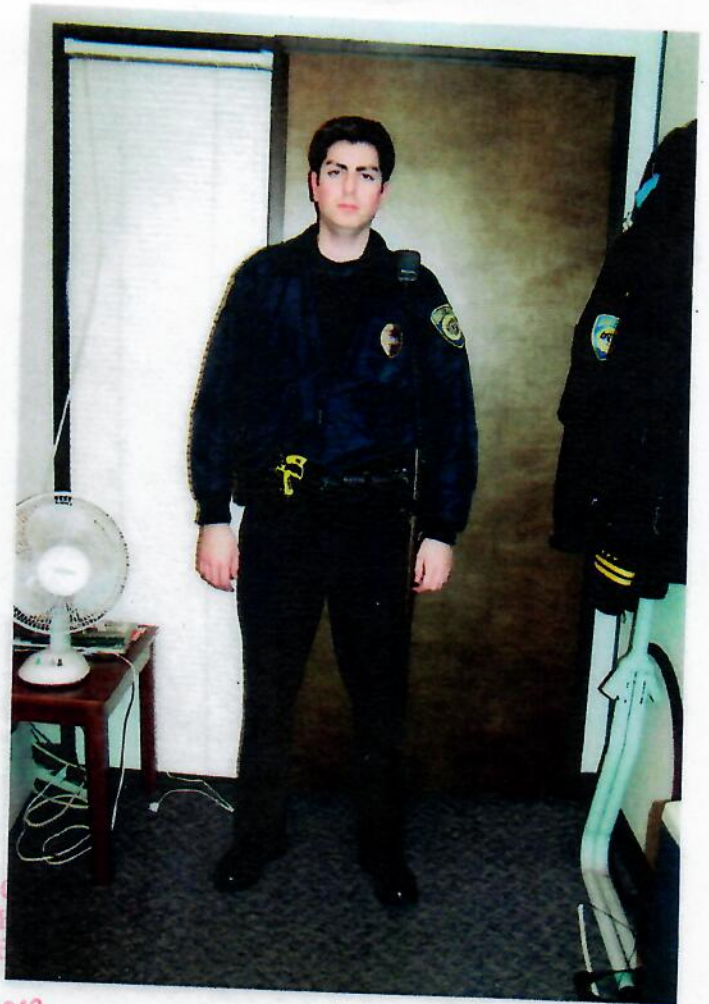
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<p>Grant and R [REDACTED] stood up. Domenici repeatedly told the group to sit down and calm down. J [REDACTED] and the group did not comply with Domenici's repeated orders in violation of 148(a)(1)PC-Obstructing, resisting and delaying a police officer. At one point, J [REDACTED] was within arm's reach of Domenici as J [REDACTED] waived his hands in an upward chopping motion. Domenici pushed J [REDACTED] in the chest toward the wall. J [REDACTED] also stood up from a seated position while Pirone was trying to take Grant into custody. Officer Mehserle put J [REDACTED] into handcuffs after a brief struggle. J [REDACTED] was eventually transported to the Lake Merritt BART Station.</p> <p>As it pertains to the criminal involvement of R [REDACTED], he (R [REDACTED]) initially complied with Pirone during the initial detention of the platform. When Pirone was struggling to take G [REDACTED] into custody, R [REDACTED] J [REDACTED] and Grant stood up. Domenici repeatedly told the group to calm down and sit down. R [REDACTED] and the group did not comply with Domenici's repeated orders in violation of 148(a)(1)PC-Obstructing, resisting, delaying a police officer. R [REDACTED] eventually complied with Pirone's orders when Pirone pulled out his TASER. At the date and time of the incident, R [REDACTED] had an active 'no bail' warrant (warrant #WXX:SD17384) for failure to appear (FTA) for the Sheriff's Work Alternative Program (SWAP).</p> <p>The suspects' resistive behavior prevented the officers from completing their investigation of the fight on the platform. The above listed subjects were in violation 148(a)(1)PC before the officer involved shooting.</p>					
<p style="color: red; font-weight: bold;">CONTROLLED DOCUMENT DUPLICATION OR REISSUANCE CONTROLLED BY LAW</p> <p style="color: red; font-weight: bold;">FEB 23 2019</p> <p style="color: red; font-weight: bold;">RELEASED TO: <u>SB 1421</u> BY SAP J-265 BART POLICE DEPARTMENT CONFIDENTIAL</p>					
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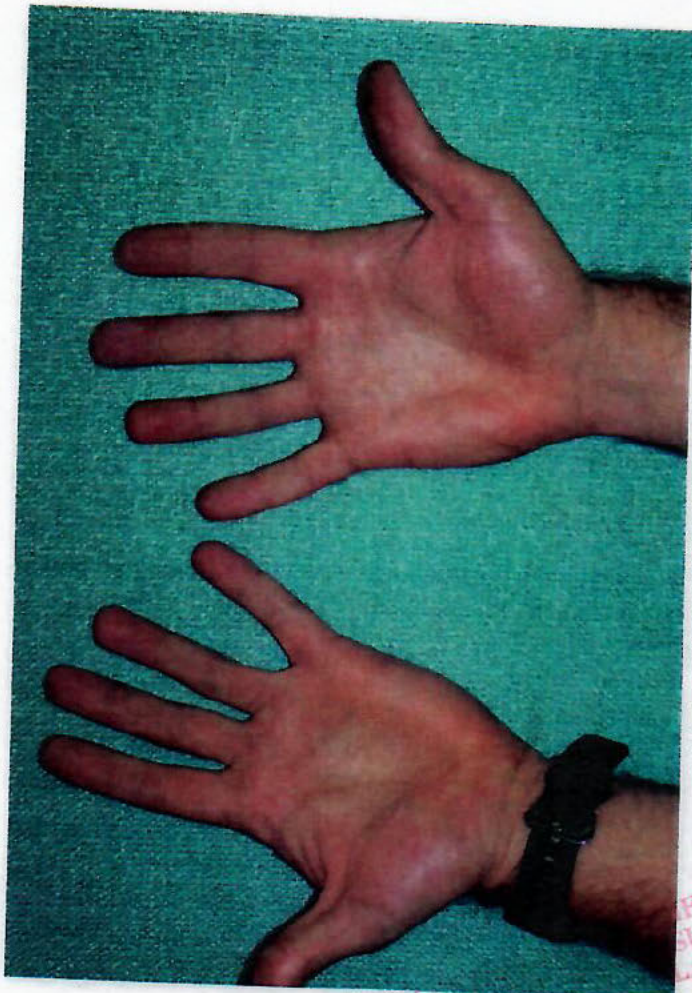


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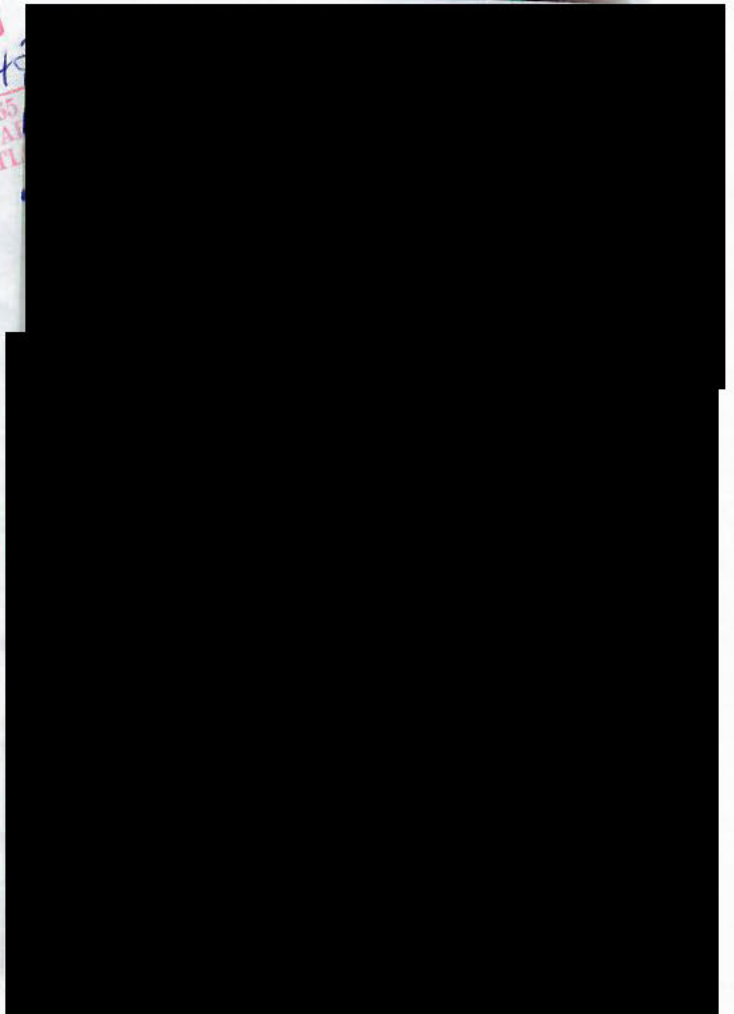
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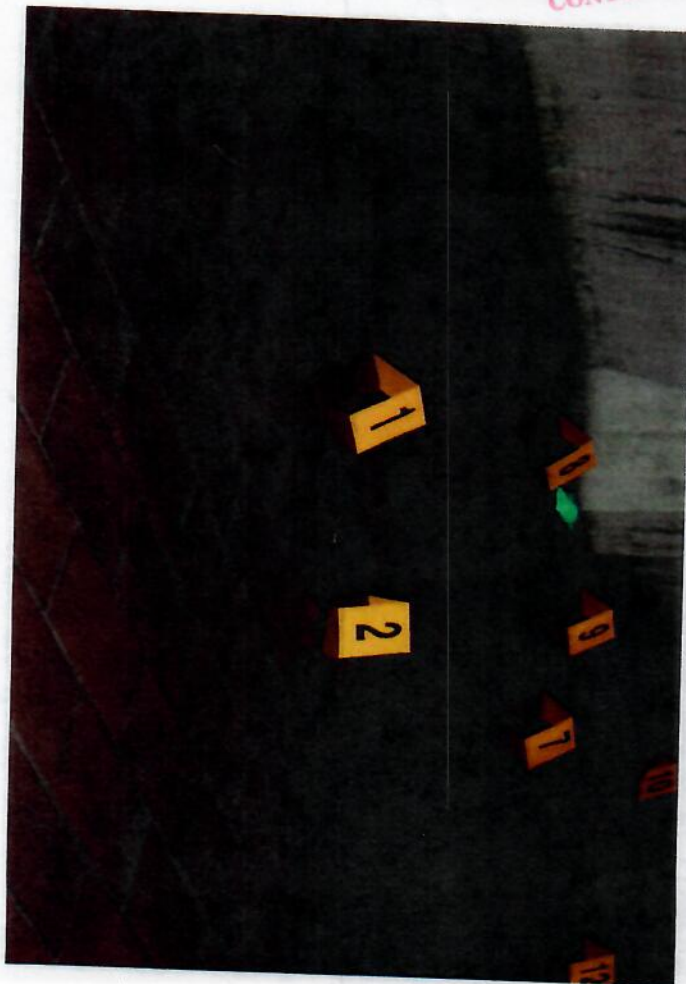
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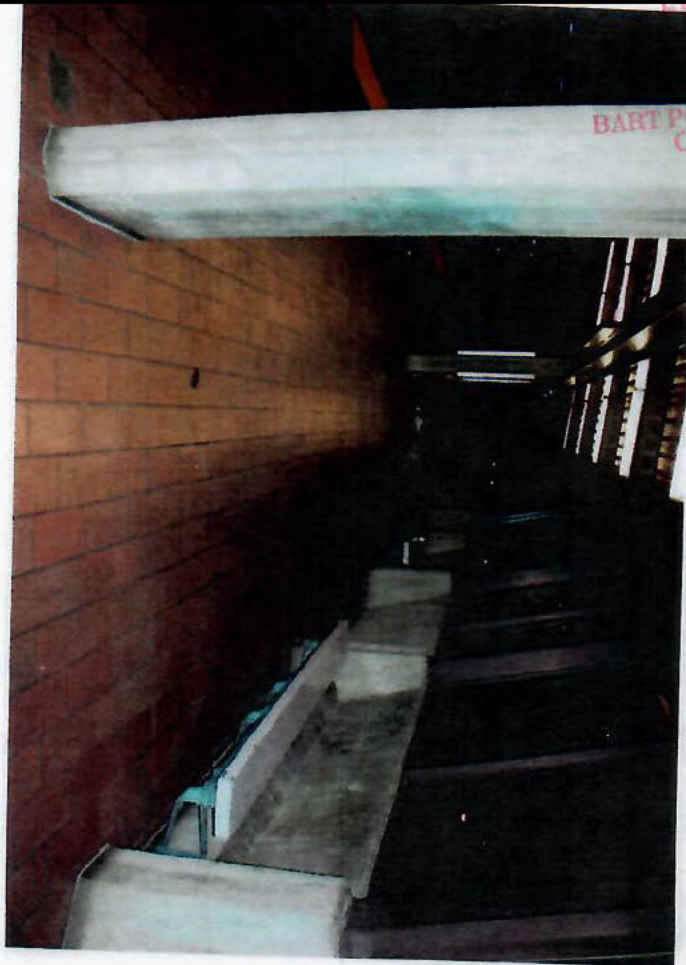
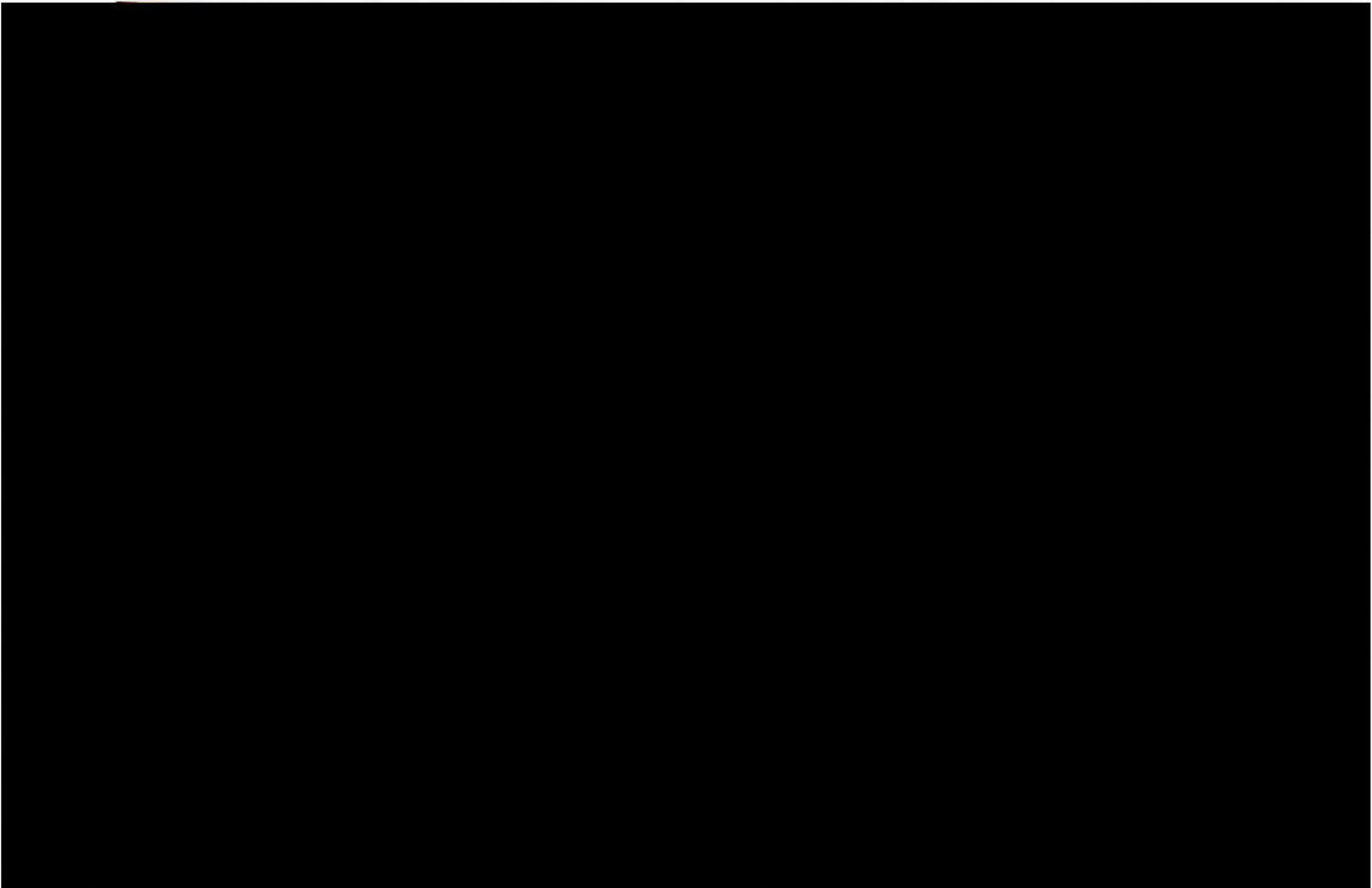


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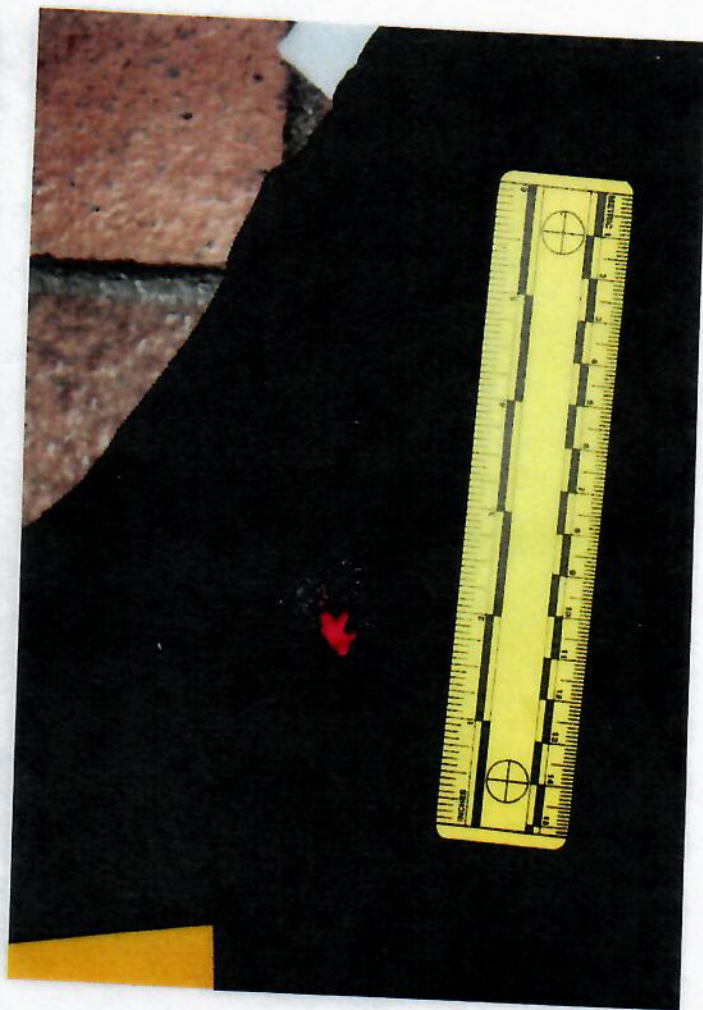
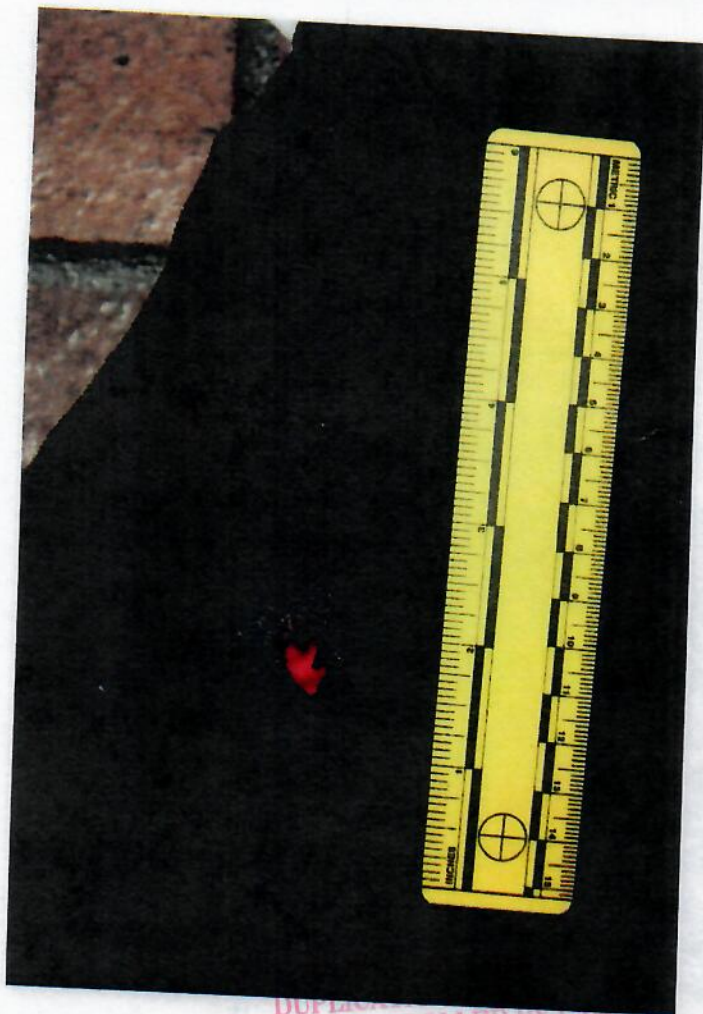
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